DOCUMENTING AND MONITORING HUMAN RIGHTS CONDITIONS IN YOUR COMMUNITY:

~AN ACTIVIST'S GUIDE~

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Thanks also to the legacy of Rini Templeton whose artwork has greatly augmented and highlighted the sentiments behind this documentation manual. Throughout this guide, you will find her artwork and footnotes to give background to each piece. Her art can be found online at www.riniart.org

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ABOUT THIS MANUAL

Although this manual was designed primarily for use by immigrant and refugee community members, organizers and their advocates, it may also be used by those who wish to monitor and document human rights conditions for other groups in different communities. The information that follows seeks to build capacity among immigrants and refugees in order to engage in “participatory documentation,” a process whereby those directly affected by specific abuses or violations are the ones actually doing the documenting, reporting, and advocacy themselves.

However, it is also envisioned that organizers and advocates will use the materials contained in this manual to conduct trainings about human rights documentation strategies, tools and techniques. Therefore, in certain places, you will see a “facilitation note” that is directed toward those who are using the manual to train others to engage in human rights monitoring and documentation.

In a number of places, we have drawn from resources, materials and information developed outside the U.S. The inclusion of these materials is important for a number of reasons. First, the ability to effectively document abuses and conditions in our communities implies an understanding of our basic human rights, which are both universal and inherently global. In other words, our human rights are the same, no matter where we live. Second, the practice of engaging in monitoring and documentation based on international human rights standards has long been used to create social change in many different parts of the world and should be used to inform similar efforts in the U.S. Often times, immigrants, refugees and other newcomers bring with them a deep understanding of basic human rights concepts and principles, and many have witnessed large-scale documentation campaigns and truth and reconciliation processes in their home countries. Third, and finally, defining documentation work in human rights terms allows us to link the struggles of one community with those of another, building alliances that make us stronger together than we are alone. After all, human rights aren’t just universal...they are indivisible.

This manual is intended to be a perpetual “work-in-progress” that expands and grows with our collective knowledge and experience. So, its usefulness depends in large part upon how you—the users—choose to put it into practice.

¡Adelante!

April, 2005
Section 1: Introduction to Documentation: What is it? Why do it?

Group Activity

What is documentation?

Documenting human rights abuses in your own community, strategies and approaches.

Documentation is about more than just abuse and discrimination.

Why document?

Case Study- Guatemalan Genocide & Undocumented Workers in the U.S.

Why do abuses go unreported?

1 A bloody uprising at the Santa Fe, N.M. state prison in 1980 against overcrowding and brutal repression was commemorated on the 1982 anniversary with demands for reforms by community and church groups.
GROUP ACTIVITY

Before beginning a discussion about human rights documentation strategies and techniques, you may choose to engage in a role play in which an incident takes place and participants have a chance to reflect on what they saw and/or experienced. You may elect to use one of the scenarios suggested below, or you may choose a different scenario, particularly if it’s something that has actually happened or is happening in your local community. Some of the participants will be acting out the role play, while the rest of the group should serve as “documenters.” Ask the documenters to observe the scene and let them know that they can intervene and ask questions of the other participants if they want, but they cannot interfere in any way.

Possible scenarios for the role play:
• Immigration agents raid a local place of employment and several workers are taken into custody.
• Local police board public transport to verify the immigration status of riders; several individuals are arrested.
• A group of undocumented migrants, including several children, are deported in the middle of the night without seeing a judge or being able to talk to a lawyer or their consulate.

Facilitation Note:
After the role play, divide the participants into pairs or small groups and ask them to discuss what they saw, including any details that they think are important. (If possible, have each group jot down some notes on a piece of butcher paper.) After each group shares their account of what happened, engage in a group discussion about the specific details that they included and why. Were there important facts that they missed? Ask what they might want to do next? Were there other ways that they might have documented the same scenario (e.g. film, sound recording, personal testimonies of those affected)?

You may want to repeat this exercise after you have had a discussion or training on the concepts and information in this manual. After participants have completed the exercise again, ask them how they felt doing it a second time. What was different this time? Did they see/hear things in a different way? Did they feel more prepared? What had they learned? What do they still want or need to know?
What is documentation?

Facilitation Note:
- Ask participants to share their own definitions of documentation or examples of documentation that raised awareness or created change. The facilitator can help by providing well-known examples and the outcome of these efforts. Examples could be widely known (e.g. the Rodney King video or the Iraqi prisoner photos) or they could be local examples.
- Discuss the concept of "participatory documentation" (where those directly affected are the ones actually doing the documenting themselves). What are the advantages? What are the potential disadvantages or risks? (See page 4 for more information about participatory documentation.)

How others have defined documentation:
- "In some parts of the world, mention of the word 'documentation' brings directly to mind a collection of documents. This meaning tends to give importance to the actual set or collection of documents...in other parts of the world, the word 'documentation' first brings to mind the act of recording the results of an investigation of a case. During the process, documents are created. Documentation could also mean a specific part of this process...[and] could refer to the act of recording information, or the act of collecting and organizing documents." ²

- "Documentation is the process of systematically recording the results of an investigation or fact-finding." ³

- "...the collection of books, periodicals and similar materials and organizing them for easy retrieval when needed." ⁴

- "...the process of systematically recording and organizing...information for easy retrieval and dissemination. The word documentation is normally understood as collection of existing documents. However, human rights organizations use it also to mean recording of facts, including collection of documents, and establishing a system for easy retrieval and dissemination." ⁵

- "Documentation is undertaken to record the facts of an event and preserve these for future use." ⁶

⁴ Ibid.
Documenting human rights abuses in your own community!

- Documenting human rights violations is a powerful way to make the abuses faced by your community visible and credible. Documentation of abuse provides a quantifiable, yet human face to a situation, providing a tool for further action.

  - You can empower community members to speak for themselves in confronting human rights abuses and get their voices heard.
  - By collecting information about human rights violations in your community, you can introduce a human rights perspective to your work.
  - You can use the documents and reports you collect to raise public and media awareness about a problem in your community, put pressure on responsible parties, and effect change!

- Examples of community-based abuse documentation: the mapping of native land, documenting race and gender discrimination in

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8 When the California Supreme Court upheld a white student's claim of "reverse discrimination" because of slots (16 out of 100) reserved for qualified minority students at a state medical school, campus and community protests exploded.
education, exposing abuses by the U.S. border patrol, tracking the denial of basic rights to an adequate standard of health care or housing, and publicizing the failure of the states to protect against domestic violence.

Increasingly grassroots organizations are using participatory methods of research to gather information in their communities and pursue advocacy campaigns on their own behalf. This means that you can do it in your own community! Through these participatory methods, documentation becomes a powerful organizing tool whereby affected communities get actively involved in exposing, analyzing, and combating abuse.

**STRATEGIES** that local community groups and others have used to ensure accountability and empowerment in human rights documentation, whether documentation is conducted by community members or by external activists:

- Provide community-appropriate human rights education to all involved in the documentation process;
- Train community members and activists in human rights documentation standards, methods and techniques;
- Engage the leadership and involvement of community members and activists to document abuses as an organizing opportunity;
- Develop a communications, media, and advocacy strategy that involves and empowers community members when publicizing the results of documentation; and
- Develop participatory methods of research with an emphasis on transparency and accountability in the documentation process, and acknowledge biases of researchers.

**Questions to think about:**
- What events or experiences in your community could you document?
- How could you do it?
- Would there be other people in your community that might be interested in learning about documentation?
Documentation is about more than just Abuse and Discrimination!

- Often times, when we hear about documentation it is in the context of abuses, harassment, or discrimination experienced by vulnerable members of our communities. While it is important to document negative experiences so we can prevent them from happening again, it is also important to document the many ways in which individuals contribute positively to our communities and to our society as a whole.

- Documenting positive contributions of certain groups or individuals can often be an effective advocacy tool and a means of future preventing abuse, harassment, or discrimination. It is also a way for members of affected groups to exercise their own power.

- What are some examples of these types of contributions? In addition to those listed below, try to think of some other "positive" contributions that you might want to document for those of concern to you or your organization.

  - Community organizing & activism
  - Employment rates
  - Graduation rates
  - Revitalization of cities, communities
  - Community health & safety initiatives
  - Artistic & cultural contributions
  - Entrepreneurship, small business ownership
  - Home ownership
  - Neighborhood watch & "cop watch" groups
  - Voting & civic engagement
  - Payments of taxes
  - Charitable contributions
  - Mentoring programs
WHY DOCUMENT???

Documentation is important because it is difficult to capture something that has already happened just by relying on one’s memory alone. If there is no documentation of certain events, information about them may be lost forever, and any benefit that could have been derived from them may be lost. In other words, documentation is an activity that is forward-looking, meant to address a future need. People who need certain information will need documents that they can refer back to. Moreover, if properly documented, information can and should be used and re-used.⁹

WHAT DOES DOCUMENTING ABUSE ENABLE YOU TO DO?¹⁰

PRESSURE THE GOVERNMENT TO INSTITUTE CHANGES!
Systematic abuse documentation allows us to pressure the government to institute changes in those policies that lead to abuse. By using methodologies that enable you to come out with a complete, succinct report, your message will be better heard. By filing administrative complaints and lawsuits in documented abuse cases, we can hold individual abusive officials accountable for their actions.

PROVIDE IMMEDIATE ASSISTANCE!
When an individual is arrested, detained, tortured etc, the individual and their family may look to human rights workers for assistance. By establishing and verifying facts around an alleged violation, you can enable concerned groups to provide immediate assistance to victims. Immediate assistance includes, for instance, the search for a victim who was abducted, or a denunciation that can help in preventing further violations. In these situations, a clear presentation of the facts surrounding the alleged violation will help in enabling concerned groups to provide immediate assistance. Other forms of assistance may include medical help, psycho-social therapy, financial assistance and others.

PURSUIT OF JUSTICE!
Working for justice for victims of human rights violations means seeking relief and redress, such as the release of a person who was arbitrarily detained and the

payment of compensation where possible. Human rights NGOs can undertake publicity campaigns and bear pressure on authorities to render justice to victims. On the part of perpetrators, justice is secured when they are held accountable.  

**RELIEF AND REHABILITATION OF VICTIMS!**

Information collected by human rights organizations can help those organizations engage in relief and rehabilitation to meet the needs of the victims. If you do not know the facts around their abuse, how can you best serve them? How can victims assert or reclaim their own power?

**LEGAL ACTION!**

Fact-finding and documenting is essential in order to establish a factual basis for obtaining redress for victims of human rights violations or seeking justice with regard to perpetrators through legal action. Legal action may need to be taken at the national or even international level through filing complaints under relevant mechanisms established by the UN or other bodies.

**MONITORING GOVERNMENTS’ COMPLIANCE WITH HUMAN RIGHTS TREATY OBLIGATIONS!**

Through fact-finding and documentation, one can monitor and ensure that the laws and practices of a country are consistent with international standards and that governments comply with their treaty obligations under international human rights standards.

**CAMPAIGNING AND PUBLICITY!**

Fact-finding is undertaken for the purpose of mounting campaigns and publicity to create awareness among the public and to mobilize them to put pressure on the authorities not only to stop violations, but also to prevent further violations. Campaigns and publicity may focus on a specific victim(s) to help them obtain justice as well as immediate relief.

**EDUCATING YOUR COMMUNITY!**

Documentation of human rights abuses enables us to give evidence and educate our communities about the realities of what is going on and can open up dialogue as to what changes need to occur to prevent such abuse.

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ESTABLISHING HISTORICAL RECORDS!
If our society does not learn about the mistakes and wrongdoings of its past, it is bound to repeat them. Establishing historical records allows us to do just that and it is especially important where a country has undergone a period of severe repression. In such situations, fact-finding is undertaken to establish the truth concerning the magnitude of violations committed during that period and also for immediate purposes such as accounting for missing persons and others.  

Human rights groups can also build up a memory of violations as they occurred in the past under a repressive regime, because it is important not to forget, and repression constitutes a part of the history of a country. For example, the Russian human rights organization Memorial compiled an overview of human rights violations committed in the Soviet Union under the Stalin regime, and human rights groups in Rwanda have documented mass killings that constituted part of the genocide in 1994.

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Two examples of Human Rights documentation: Guatemala and the United States

Human Rights documentation is something you can do in your own community wherever you are because human rights abuses happen all over the world. However, we in the U.S. usually hear about incidents that happen abroad. When this occurs we should remember not to distance ourselves from the possibility of human rights violations taking place right here at home.

The following are two examples of documentation processes. The first describes what occurred following the civil war and genocide in Guatemala. Human Rights documentation in Latin America and other countries has inspired, greatly informed, and has set the standard for similar work in the U.S. However, while significant human rights violations occur in the U.S., they often go unreported or unaddressed. We must not continue to assume that horrific human rights violations only occur in far away countries.

14 Art by Rini Templeton. Caption of photo: Since 1977 Native women of Big Mountain, Arizona have led Navajo resistance to efforts by the U.S. government and powerful energy corporations to remove them so that millions of acres of mineral-rich land can be more easily exploited. The government also confiscated 90% of the livestock of the Big Mountain sheep-herders. This and other images are available on-line at www.riniart.org.
Why Human Rights Documentation is Important:

Genocide in Guatemala

For 36 years, the government and military forces of Guatemala, with help from the US, waged a war on the internal Guatemalan National Revolutionary Unity and the indigenous Mayan population at large. The Peace Accords, which ended this battle, were signed in 1996. Human Rights organizations and the Guatemalan people raised awareness about the torture, “disappearances” (kidnappings), and massacres of innocent communities (especially the Mayan population). Two commissions were given the task of investigating these charges. The primary documentation procedure was gathering testimonies directly from the victims of the violence. Other methods included examining official records of human rights violations that occurred during the conflict.

REMHI

The Catholic Church created the Recovery of the Historic Memory or “REMHI” project. The REMHI project conducted 7,000 interviews with victims of violence and presented the report “Guatemala: Never Again” in 1998. The REMHI project “attributed 90% of the atrocities and over 400 massacres to the Guatemalan army (and paramilitary), and less than 5% of the atrocities to the guerrillas (including 16 massacres).” REMHI found that 200,000 people were killed or disappeared in the conflict, 80% of them during the “Scorched Earth” campaign of dictator Rios Montt from 1982-1983.

CEH

The Commission for Historical Clarification (CEH) was formed as part of the peace agreements between the guerillas and the Guatemalan government. The CEH examined many records of human rights violations that occurred during the conflict, took “thousands of testimonies,” and made use of the research done by church groups (especially the REMHI). The report supported REMHI’s figure of 200,000 killed and disappeared, found that “the army’s counterinsurgency strategy explicitly identified the internal enemy not only as members of the insurgent organizations, but rather included in that category all those citizens...who could be considered political opponents,” and reported “special brutality directed against Mayan women, who were tortured, raped and murdered,” The CEH concluded “the State committed acts of genocide.”

Results/Consequences

In 2001, Rios Montt held the position of the President of the Guatemalan Congress, but after the 2004 presidential elections (for which he ran and lost), Montt was placed under house arrest and awaits trial for manslaughter, conspiracy and threatening bodily harm. The exhumation process is increasingly seen as a step toward healing. The forensic evidence from exhumations can be used in criminal proceedings against perpetrators.

It is estimated that there are approximately six million undocumented workers in the United States. Due to an out-dated immigration system and an increasingly anti-immigrant atmosphere since 9/11, coupled with a high demand for low-wage labor in many states, these workers are subject to gross violations of labor and human rights, which often go unheard.

American University's Washington College of Law's International Human Rights Law Clinic, as well as other labor, civil rights, and immigrants' rights organizations, including the AFSC, collaborated to collect stories and testimonies documenting the human rights violations experienced by undocumented workers in the United States and to advocate together for changes that would protect and strengthen their rights.

In recent years, undocumented workers' rights to legal redress have been stripped away by U.S. Courts. A general interest hearing by the Organization of American States' IACHR provided a forum to address discrimination due to immigration status. This hearing represented an important opportunity for the voices of immigrant workers to be heard by the Commission and the public at large. All too often, these voices are silenced by fear.

On March 3, 2005, immigrant advocates, representatives of the farm labor group the Coalition of Immokalee Workers (CIW), union organizers and students from the International Human Rights Law Clinics at American University and George Washington University testified before the IACHR about labor and human rights abuses of undocumented and agricultural workers in the U.S. Advocates and immigrant workers were able to present their stories and request action from the IACHR. They stated that the U.S. government had been sanctioning human rights abuses against these workers and should be urged to comply with international human rights standards. They requested that the IACHR conduct site visits in the United States in order to see for themselves the conditions that undocumented workers face. They also requested that the IACHR issue a press release or report based on their findings from the site visits.

This is just one recent example of what can be done to give voice to the struggles of millions of undocumented workers in the United States. Dozens of workers' testimonies have been compiled into a booklet that activists and organizers can continue to use to advocate for the rights of undocumented workers and as a template for future documentation efforts.

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"The people that came here from Latin America, there are many of them that suffer a lot... I want you all to be aware that the parents of people of different nationalities were also immigrants, and they treated them simply as people. Now, they treat us like we are nothing, but we aren't. I want you all to remember that we are people who came here in search of a better life. We did not come here to scare anyone—simply to work, whatever kind it may be." -Alcides (a day laborer interviewed for the booklet of workers' stories presented to the IACHR)

Why do abuses go unreported?

In the previous section we learned how human rights documentation can address abuses and violations that occur at the local, regional, national and international level, as well as the ways in which such efforts can affect social change on a broader scale. However, it is important to recognize the fact that in some cases, human rights violations go largely unreported. There are many legitimate reasons why community members may be reluctant to report abuses that they have experienced individually or collectively. This section challenges us to explore some of those reasons and to discuss ways in which they can be counteracted.

Facilitation Note: Questions for Reflection

Ask participants to brainstorm a list of reasons why abuses or other types of harassment go unreported in their communities. Can they come up with ways to alleviate some of these reasons that people don’t report abuse? Are there some that they can’t address?

Some reasons why abuses may go unreported: 16

- Victims may feel they “lack status” in relation to the government agents who have abused them, therefore, they feel they will be at a disadvantage using the legal system to seek redress.
- Immigrants who suffer abuse by immigration agents often fear retaliation because they depend upon them to get their papers.
- Victims who are minorities may be subject to further discrimination.
- Lack of knowledge about complaint processes.
- Agents’ attempts to dissuade victims from reporting.
- Embarrassment/humiliation over being a victim of abuse; sometimes victims feel they somehow provoked and then deserved the mistreatment.

What can you do to counteract some reasons that abuses go unreported?

- As the presence of immigration agents and other law enforcement personnel increases in our communities, the level of tension and fear within the community increases as well. As a result, victims of abuse may be less willing to speak to others with whom they do not have an established relationship or trust. Your personal relationships are invaluable. Through these relationships, you can promote the defense of our rights by documenting cases of abuse and standing in solidarity with victims.

16 This section was excerpted and adapted from the Immigration Law Enforcement Monitoring Project’s (ILEMP) Abuse Prevention and Documentation Guide (1998).
Section 2: Before you begin... A few things to think about

Getting the facts down: The flaws of memory
Who am I as the documenter?
Guiding principles for human rights investigation
Systematic documentation is necessary because we cannot rely on our memories alone! Therefore, we must keep detailed, factual records of important events.

**WHY?** Because memories can be flawed and may be subject to our biases!
Memories are more easily modified with the passage of time or if we are influenced by an outside source.

“False” memories can be formed for a number of reasons:17
- Documenters may unintentionally exert demands on individuals being interviewed to remember certain events in a certain way.
- Memory constructed by imagining events can be explicitly encouraged when people are having trouble remembering. Therefore, if an individual is having trouble remembering, do not ask them to imagine the event.
- Also, when interviewing victims or witnesses, it is important not to ask leading questions that may color their answers or influence their memories of a particular event. (See page 31 for more interviewing strategies.)

**The memory of the victim or witness...**
Individuals who have traumatic memories may have trouble recollecting those stressful events. Individuals who have experienced trauma may have a difficult time recollecting certain events well because they have repressed the memories so as to protect themselves from having to re-live them. Victims of trauma sometimes initially remember traumatic memories by remembering sensory aspects of the event (e.g. Do you remember any particular smells or sounds when you were detained?).18

18 Kolke, Vessel A, Dissociation and the Fragmentary Nature of Traumatic Memories: Overview and Exploratory Study, HRI Trauma Center and Harvard Medical School.
To address the issue that victims and witnesses of crimes often have difficulties remembering details of certain events, R. Edward Geiselman, a psychology professor, developed an interviewing technique to improve the completeness and accuracy of victim and witness accounts of crime. He developed four different methods for victims and witnesses to use while recounting an event:

1. Reconstruct the circumstances. How did the scene look? What time was it? What persons and objects were present?
2. Report everything. Don’t leave out any facts, no matter how unimportant or potentially harmful or embarrassing they seem.
3. Recall the events in a different manner. Tell the story in a different chronological order, starting at the end and working backward in time or from some intermediate point and then recalling events forward and backward from that point.
4. Change perspective. Describe the incident from the perspective of others present. For example, a witness can tell the story from the perspective of the victim and the victim can attempt to tell the story from the perspective of the law enforcement agent.

The “Documenter”!

Facilitation Note: Questions for Reflection

• Who am I as an individual? Am I both a member of this community and someone who has been affected by abuse or violations I wish to document, am I an outsider and what does that mean?
• Whose story am I documenting and why? For what purpose?
• Is this community comfortable telling me their truths?

When documenting human rights abuses, it is important to be self-aware and understand the implications of your role as the one who is observing and documenting the specific facts.

How does your point of view affect how you understand what you are seeing?

Ask yourself: To what extent is what I am documenting, a projection of what I want to see? What are the subtle signs/signals I am giving off to the interviewee, whose experience I’m trying to capture, that elicit certain answers in him/her?

REFLEXIVITY AS RESEARCHER.....

As the documenter, you are part of the documentation process and you can guide the way in which this process takes place. You can be the hand that records the story, the scribe. How can you help an interviewee to tell her or his own story and not the story you want them to tell?

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21 Excerpted from “Documentation of Human Rights Abuses As A Tool For Community Organizing,” AFSC-Community Relations Unit—Immigration Law Enforcement Monitoring Project, Feb, 2002, Penndle Hill, PA
Guiding Principles for Human Rights Investigations

- **Accuracy** - Discuss the following questions about accuracy.
  - **Why is it important to be accurate?**
    - Accuracy is the backbone of monitoring and fact-finding. Human rights monitors should spend time assessing and evaluating information provided by contacts or through interviews before making it public. While timeliness and urgency are important considerations, speed of reporting should not be done at the expense of accuracy.
  - **What are the obstacles to accuracy?**
    - *Time lapse between the human rights abuses and the actual investigation.* Witnesses or victims may have forgotten some important details, or precise dates of events; victims or witnesses may have died or moved away; written records may have been misplaced or thrown away; existing written records may be incomplete; etc.
    - *Biases of the contacts or the monitors.* Witnesses or victims may give you wrong information, or may exaggerate the facts, for a variety of reasons, including fear, personal interests, political motivations, etc.
    - *Contradictory information.* In a number of situations, witnesses, victims or other contacts may give you contradictory information regarding the incident itself, the perpetrators, etc. Sometimes, witnesses may not be certain about exactly what happened or may disagree with each other.
    - *Lack of access to information or to the areas where the violations took place.*
  - **How do you ensure accuracy?**
    - *Assess* the original source of information. For instance, ask yourselves: what is the record of this contact or organization or newspaper? What may be the political agenda behind the allegation?
    - *Conduct* a preliminary assessment of the allegation. You should retrace the origins of the allegation as well as possible witnesses, and identify the missing pieces and evidence. You should also consider alternative explanations for the facts of the allegation.

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22 Except for the questions in the text box on page 24, the information in this section was excerpted and adapted from "Principles of Research in Human Rights Violations," in: UKWELI: Monitoring and Documenting Human Rights Violations in Africa (Dakar: Amnesty International and CODESRIA, 2000), pp. 29-46.
➢ Compare the allegation with other cases and country patterns.
➢ Cross-check the information with other contacts or sources.
   Allegations of violations, whether originating from one contact, the media, the victim or family members should be verified with other contacts or sources.
➢ Assess the evidence by reading and interpreting it carefully; rely on informed knowledge and expertise; identify the questions left unanswered and the missing evidence.
➢ Interview the victims and/or witnesses whenever possible.
➢ Collect additional evidence. If material evidence is missing, or if you are not satisfied with what you have received, search for additional evidence or second opinions, e.g. photographs, second medical records, court cases, police reports, etc. Take pictures and videos.
➢ Conduct a fact-finding mission. You or some of your colleagues may find it necessary to go on a fact-finding mission to the area where the violation took place in order to ascertain the facts.

• Confidentiality - Discuss the following questions about confidentiality.
  o Why is confidentiality necessary?
    ➢ Confidentiality minimizes risks.
      - A precaution to prevent contacts from being (further) harmed for having passed information to you. It constitutes a basic guarantee to your contacts, a contract between them and the organization to secure trust and safety. **Note:** Confidentiality is particularly important for undocumented immigrants who engage in certain human rights monitoring and documentation activities. By coming forward publicly about abuses or violations that they have suffered, these individuals may risk arrest and/or deportation by immigration authorities and subsequent loss of livelihood and separation from family members. Therefore, it is essential to be aware of basic guidelines for safety, security and confidentiality to minimize these risks (see page 53 for more information about Safety & Security).
      - Contacts may also be members of government, armed forces, police forces or armed groups speaking to you "off the record" (i.e. Border Patrol, ICE). Confidentiality is of the utmost importance, because the contacts are themselves leaking information about the activities of their own services.
    ➢ Confidentiality allows you to build trust with your contacts.
      - Contacts who facilitate access to victims, or who are themselves witnesses or victims, will be more willing to
cooperate with human rights monitors when informed about the possibility of confidentiality.

- People will stop talking to you if you are indiscrete; information sources will dry up if you are careless in your handling or confidential information.

o **What is confidential information?**
  - The sources of your information on human rights violations should not be made public, should remain unnamed, and not be traceable (unless they have agreed to be named); and/or
  - The facts themselves may not be made public, or at least not until it is strategic and safe to do so.
  - Information will be treated confidentially according to the policy of your organization or your own decision.
  - Even if a contact may not have requested that the information provided be treated as confidential, the human rights monitor may, nevertheless, decide to treat it as such.

o **When to go public?**
  - No information or names should be released unless the source has fully understood the implications of going public and expressly accepted that the information he/she provided be made public.
    - **Thoroughly assess the circumstances: do they mandate that information be made public?**
    - **Thoroughly assess the security risks that may be faced by your sources if they go public.**
    - **Return to your sources:**
      ◊ Assess his/her emotional state.
      ◊ Explain why it is important that the information be released.
      ◊ Make him/her feel part of a positive process, something to be proud of.

• **Impartiality** - Discuss the following questions about impartiality.

  - For a large number of human rights, humanitarian or conflict-resolution organizations impartiality constitutes an important guiding principle in achieving the organization's objectives. The approach may vary from one organization to the next, depending on the organization's mandate and the circumstances. However, for groups engaged in advocacy, impartiality is not possible to achieve.

  - What does it mean to be impartial?
  - What are the advantages and disadvantages of trying to be impartial?
  - Is it possible for us to be impartial in our work? Why or why not?
• **Gender-Sensitivity** - Discuss the following questions about gender-sensitivity.

  o Why is gender-sensitivity important?
    - To respect human rights principles and standards.
    - To ensure that women's rights violations are properly documented.
    - To be aware of different cultural gender norms.
    - For strategic reasons. Engaging with women's organizations in your region can only strengthen and enrich your message, your work and your reputation.

  o What is a gender-sensitive approach?
    - **Build a gender-sensitive contact base.** You should seek to build contacts with women's NGOs, women activists, and women contacts.
    - **Take a gender-sensitive approach to fact-finding:**
      - Ensure that the fact-finding team is comprised of women, and include men with experience in dealing with women's human rights issues.
      - Be proactive: actively seek access to/ask to meet with women.
      - Organize focus groups composed of women to develop a better understanding of the situation.
    - **Develop a gender-sensitive approach to the investigation.** Women may be unwilling to report human rights violations. There may be a number of pressures that prevent them from talking to you, including pressures from the family or community; shame; fear.
      - Do not hesitate to explore alternative approaches to information-gathering. For instance, you may follow the focus group approach. This approach to information-gathering is frequently used by women's organizations to address difficult problems such as domestic violence.
      - Identify women who could introduce you to other women.
      - Identify the influential women within the community, especially women who are advocates for changes in the status of women.
      - Go to places where you are likely to find women.
    - **Find out about local organizations that may provide assistance to women victims of human rights violations.**
    - **Adopt and promote gender-sensitive language - the use of non-sexist language promotes the principle of equality between men and women.**
Section 3: Conducting documentation

How to conduct documentation

Developing Questions for Questionnaires

Quantitative vs. Qualitative Data

Interviewing Strategies

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23 The People’s Defense Committee (CDP) brought together community people and peasants in Chihuahua who were linked to Chicano groups across the border. Originally formed as a united front to resist state repression, it became a strong political force fighting for better urban services, farmland and housing. "For the proletarian revolution" and "May 1 - in El Paso $4 dollars an hour, in Juarez $4 dollars a day for work."
Overview of How to Conduct Documentation: 24

The steps...

Step 1: Determining What To Collect and How

1. Know what information you are likely to need. If you are collecting data that you hope will be used for an international tribunal (i.e. in a government or legal proceeding), you'll need information about the victim, the perpetrators, the crimes committed, etc. Who will use the information? Lawyers, medical officers, others who provide direct service to victims?

2. Determine sources of information. Where can I get the information I need? If you feel that personal testimonies are useful, then the source is the persons affected. If you know the information is contained in records or documents, librarians may be helpful. Make a list of possible sources of information (e.g. victims, government officials, witnesses, the actual sites of the events, and government offices such as statistical offices, records kept in morgues, hospital, prisons, and other facilities.)

Step 2: Acquiring Event Information

One can engage in fact-finding activities in a number of ways:

a. Interviewing victims, witnesses, and others
b. Ocular inspection (observing the site or location where an event took place)
c. Process observation (e.g. a court hearing)
d. Collection of relevant documents
e. Taking pictures
f. Use of other recording devices such as audio or video
g. Forensic examination

24 Information in this section was excerpted from Guzman, Verstappen, What is Documentation?, Human Rights Monitoring and Documentation Series, HURIDOCS, 2003, volume 2.
Step 3: Acquiring Materials:

- Some documents need to be acquired, such as birth certificates, land titles, medical certificates, legal briefs and motions, court decisions, press reports, etc.
- Since such documents may be in the hands of government authorities, human rights organizations ought to establish relations with relevant persons and be familiar with the legislation regulating access to public information (so that complaints to authorities can be launched if necessary).

Step 4: Providing User Services (will be elaborated upon in later sections about reporting and grassroots advocacy)

Developing questions for surveys, questionnaires, interviews

When developing questions for human rights documentation, it is important to keep in mind the purpose of your research, who your audience is, and how to structure questions in an un-leading, un-biased way that is clear, easy to understand, and easy to interpret.

Questions should be structured with the purposes of the survey or interview clearly in mind. Ask yourself:
- What is it that I want to know?
- How will I use this information when I get it? Who will be the audience(s) for the information collected?
- What is the purpose of this question? Does it accomplish that purpose?

The general rules of questionnaire design are as follows:
1. Use open-ended questions to let respondents define their own frame of reference for the answer and have space to accentuate the uniqueness of their individual stories. (These are good questions to use if you are collecting testimonies of abuse that will be presented during a hearing.)

25 This section was excerpted from Weisenberg, Krosnick, and Bowen; 1996, An Introduction to Survey Research, Polling, and Data Analysis, Sage Publications Inc; Thousand Oaks, London.
29

- *Example: Tell me what happened when the police came to your house? What did you see? What did you hear? What was said?*

2. Use closed-ended questions when a quick tabulation of results is required and you want to limit the answers given. (These include “yes” or “no” questions or questions that ask the respondent to rate their response.)
   - *Example: Did the police have a search warrant?*

3. Word the questions simply and avoid bias.
   - *Example of a biased question: Were you afraid when the police came to your house?*
   - *Example of an unbiased question: How did you feel when the police came to your house?*

4. Be aware of the language of your audience: who are they, what is familiar to them, what language resonates versus what does not? Compare the following questions:
   - *Are you the victim of domestic violence?*
   - *Have you ever been physically hurt in your own home?*

5. Organize the questions so that they flow smoothly, so that early questions aren’t too emotionally charged or are likely to bias later questions.
Quantitative vs. Qualitative Data

- Read the following information about deaths of migrants crossing the U.S.-Mexico border* and then answer the questions that follow:

  Ø Roughly 1,600 persons perished between 1993 and 1997 while trying to cross the U.S.-Mexican border into the United States.

  Ø Mr. Lachino had begun working in the United States as a farmworker at the age of 44. He had lived and worked mostly in California and Washington, picking cherries, apples, pears and other crops. Every two months, he sent $300 home to his wife and six children in Mexico. After working for six to eight months, Mr. Lachino would return home to his family in Charo, Mexico. However, limited employment opportunities in Charo would force Mr. Lachino to leave his family and return to the United States during planting and harvest seasons. In late June 1998, his final attempt to reenter the United States failed. The Border Patrol did not find his body until mid-August 1998. Mr. Lachino’s family did not learn of his death for nearly two months.

- What is the difference between the two examples given above? What impact did they each have on you when you read them? How and when would you use these examples? Would it depend on your audience?

- The first point listed above is an example of **quantitative data**, defined as:
  - "Data expressed in numbers." Even things that are not commonly thought of as quantitative, like feelings, can be collected using numbers if scales are created to measure them. Common techniques for collecting quantitative data include surveys, tests, and existing databases. **
  - Statistics help to assess the magnitude and scope of a problem, find patterns and trends, give basis for decision-making and recommendations and justify them to others.

- The second point listed above is an example of **qualitative data**, defined as:
  - "Data expressed in words." Qualitative data records a thought, observation, opinion, or words and usually comes from asking open-ended questions to which the answers are not limited by a scale or by a set of choices. Common techniques for collecting qualitative data include interviews, focus groups, and observations. **
  - Narratives/testimonies give an issue/problem a human face, a voice.

- Different techniques may be used to collect these types of data (see page 27 for more information on data collection). It is important to decide what kinds of data you will need before beginning documentation or fact-finding efforts in order to engage in effective advocacy later.

- Critics often dismiss personal stories as 'anecdotes' that are unimportant to a policy discussion. Yet such stories can highlight problems within a system...Powerful uses of data combine both the qualitative and the quantitative. ***

** Source for definitions can be accessed at: [http://www.humkids.org/stratplan2002/glossary.html](http://www.humkids.org/stratplan2002/glossary.html)
*** Adapted from the Access Project Fact Sheet, Using Data: A Guide for Community Health Activists (available at: [http://www.accessproject.org](http://www.accessproject.org)).
Interviewing Strategies

Facilitation Note:
To assess the clarity and flow of your interviewing style (before conducting your interviews in the field), practice your interview questions on your colleagues or friends. It is important to choose one person that knows the purpose of your interview and one person that does not.

Interviewing victims of abuse

Interviews should be conducted as soon as possible after an incident while events are fresh in the victim’s and witnesses’ memories (see “Getting the Facts Down” for more information about memory). Measures should be taken to make the persons being interviewed as comfortable as possible, so they will feel free to talk. These include conducting the interview in private and informing the person that all information will be kept confidential (to the extent possible).

The interview should start with an explanation of the purpose of the interview and the potential uses for the documentation. The questioning should begin with the victim’s or witnesses’ narrative account of the incident, including the events leading up to and following the event. The next step is to question the person to fill in any blanks.

The questionnaire is a way of recording the results of [an] interview and not as a protocol for the interview.

It is far more important for an interviewer to listen to the story and the other information provided by the witness than it is to follow the logic of the form or even to complete the form.

After hearing a witness’ story, the interviewer should ask questions which clarify the information provided and develop facts which might indicate if human rights violations have occurred. The questions to a particular witness [or victim] should be more responsive to the story/situation than to any questionnaire or prepared list of issues.

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26 This section was excerpted and adapted from the Immigration Law Enforcement Monitoring Project’s (ILEMP) Abuse Prevention and Documentation Guide.
27 The following information was excerpted and adapted from the Manual on Human Rights Monitoring – Chapter XX: Human Rights Reporting Available at: http://wwwserver.law.wits.ac.za/humanrts/monitoring/chapter20.html
**Interviewing Child Victims:**

Information-gathering from children is a gradual process. Not all the necessary information can be gathered in one session. Be aware that the perceptions of children are very different from those of adults. Be prepared to accept a child's view of the world, and do not impose yours on the child. (We must be careful of our biases!)

Information may not come solely from the child/victim or even through verbal interactions with her/him. Besides the family members, information gathering involves other sources surrounding the child and her/his family, including the child's community or school, other service providers, observations of neighbors, etc. (Remember that you should seek to obtain a release form from the child's parent or guardian before you proceed in using the information obtained through documentation).

**Interviewing Migrants, Refugees, Asylum-Seekers, and Displaced Persons:**

While interviewing migrants, refugees, and asylum-seekers, be sensitive to the unique stresses of those who have been displaced from their homes and their homelands by force (e.g. in the case of armed conflict or civil war), out of the need for economic survival, or for other reasons. Understand that it is not easy for them to be away from their homes and homelands, sometimes without material resources and possibly away from their families. Undocumented migrants often live in fear of being apprehended by immigration authorities or other law enforcement officials, which may leave them vulnerable to human rights abuses and exploitation. Documentation and fact-finding with these groups requires particular sensitivity on the part of the documenter/fact-finder, especially with regard to confidentiality, safety and security of those sharing personal information about themselves or other community members who may be in an undocumented status.

**Interviewing Women Victims:**

It is important to keep in mind the overall context of the curtailment and violation of women's rights. In particular, denial of women's rights and oppression of women are deep rooted and linked to socio-economic and political structures. Therefore, fact-finders, particularly men, should be aware of discriminatory values and behavior patterns that exist in the society and should
avoid stereotyping of women victims. (See page 25 for more information about Gender Sensitivity.)

**Interviewing authorities and suspected perpetrators:**

In some cases, government officials or suspected perpetrators may be interviewed to seek clarifications on allegations made by various witnesses. At times, fact-finders may have access to an official spokesperson (i.e. DHS or Border Patrol). Remain polite even if the spokesperson’s version of the subject under investigation may sound incredible, and probe for inconsistencies without being confrontational. Listen with an open mind to obtain evidence both for and against an alleged violation (this is important for ensuring accuracy and avoiding bias).

Where possible, community groups should make use of official investigations or inquiries ordered by the government and also to gather more information through such investigations.

Interviewing authorities or known perpetrators of violations requires tact and needs planning and preparation. One method of mentally preparing for such interviews is to imagine the possible scenario and role-play the interview. \(^{28}\)

**Asking Open-Ended Questions:** \(^{29}\)

The interviewer’s questions should generally be open-ended, and should avoid suggesting that a particular answer to a question is the ‘right’ one. Still, an interviewer must ask highly specific questions to elicit detailed information about the alleged violations. Experienced interviewers make use of open-ended follow-up questions to obtain critical information. An especially useful question is: How do you know?

“Private pain is transformed into public dignity”

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Sensitivity to Victims' Dignity

Organizations must always maintain as their first priority the restoration of the victims' dignity. The legislation that created the Truth and Reconciliation Commission of South Africa, for example, specifies in Article 11 (a) that 'Victims shall be treated with compassion and respect for their dignity.' The human rights interview must provide the opportunity for the interviewee to begin a healing process by which, in the words of Agger and Jensen (1990), 'private pain is transformed into public dignity.' Therefore it is very important not to recreate the dynamic of [an] interrogation.

In an interview, the respondent answers questions that are asked by the interviewer. This dynamic tends to give the interviewer more power - he or she controls the topics to be discussed and the flow and pace of the discussion. Furthermore, in the context of human rights violation research, the interviewer often has more education, more economic security, and more social capital than the respondent. In order to help the respondent maintain a sense of control and power, the interview process should be as conversational as possible, and the interviewer must give every cue that she or he is listening carefully and respectfully to the narrative.

Sensitivity to the victim/survivor's story-telling process...

Information collected by human rights organizations can help those organizations that engage in relief and rehabilitation to meet the needs of victims. For victims, the very act of telling their story can be a means of asserting their power, reclaiming their dignity, reclaiming their voice, and releasing feelings. Thus, documenters should respect this process when asking questions. While in the documentation process one may be trying to obtain information in an orderly fashion, but traumatic information may not be obtained in such a manner. It may take time and documenters must understand their dual role of being the documenter, but also of simply being the listener. Accuracy, order, and explicit facts are important, but should not take precedence over sensitivity and respect for the individual victim/survivor's process. Thus it is important to be aware of the facts surrounding their abuse not just for documentation purposes, but so as to better serve them and help them reclaim their power.

Section 4: Organizing the information you’ve collected

After you collect your data: Indexing/Databasing
You collected your information... Where to go from here?
Organizing event information, systematic vs. incidental documentation, & databasing...

Systematic documentation vs. incidental documentation - What is it and why is it important? 31

Human rights NGOs must strive to obtain hard evidence to prove that violations of human rights are taking place and to which degree. This involves both the systematic documentation of particular cases and the compilation of trends and statistics based on a larger amount of information collected and recorded over time.

Systematic documentation that can enable groups to combine pieces of information from various sources is also crucial in bringing perpetrators to justice.

Another thing that human rights groups can do is to build up a memory of violations as they occurred in the past... because it is important not to forget.

Formats in which to document information:

No matter what you do, be consistent so that others (community members, future documenters, officials) can read and understand your methods of organizing data or information and even replicate it in the future.

Free text accounts include documents such as testimonies, reports, written narratives with facts presented in a chronological manner.

Standard Formats: An example of a standard format is an intake or application form: a format that allows for easy data collection. With standard formats it’s easier to create a database of information. Examples include: a data/record intake sheet that follows a standardized format for all reports, standard fields for entering certain data and categorizing information collected. (See Appendix for an example of standard formats.)

31 Except for text box on page 9, information in this section was excerpted and adapted from: Guzman, Manuel, Verstappen, Bert, “What is Documentation,” Volume 2, HURIDOCS (2003), available at: http://www.huridocs.org/basdocen.htm
**Primary Documents** include evidentiary documents such as affidavits, medical certificates, autopsy reports, etc.

**Secondary Documents** include press reports, news reports, etc.

**Reports:** Many human rights organizations produce regular reports that cover a number of events, such as those that happened in a particular region or during a certain time period. These reports are often analytical, presenting trends and patterns determined from the collected data.

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**LET’S TALK MORE ABOUT STORING YOUR DATA WELL!**

**Assigning an Indication of a Document’s Location:** It may be a good idea to number your surveys or the different data you have and categorize them in a way that makes sense for you. Basically, you will want to organize your information so that you can go back to it, add to it, and make conclusions about it. (i.e. you can put all information about border patrol abuses in a file called “BPabuse” vs. information about vigilante encounters in a file called “VigilAbuse”). Also, by placing information into a spreadsheet, you can calculate statistics (i.e. after doing a survey on domestic violence, you can conclude that #% of the group you surveyed experienced domestic abuse.) But you can only make these conclusions if you record your numbers and calculate the data!

**INDEXING:** Indexing (or categorizing) helps persons who are looking for certain information to find what they are looking for in an easy way. Each item is given a name or ID#, and then we create a list in which we can search for these names or ID#s and find all appropriate items. One can index documents, but also events (e.g. a raid that involves human rights violations).

Important when indexing:

1. Develop the list of index terms: To improve the recording and retrieval of information, it’s best to record information on particular groups or types of persons (who), subjects (what), time periods (when), and places (where) in different fields.
2. The key is that your files should be organized so that you can make amendments and additions to the index as needed.\(^{32}\)

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\(^{32}\) Excerpted from Guzman and Verstappen, *How to Develop a List of Index terms or Thesaurus*, from Human Rights Monitoring and Documentation Series, HURIDOCS 2003, volume 4.
Data-basing:

Once you have indexed and categorized your information, you need a place to store it. A database is a collection of data organized in such a manner as to facilitate searching for a particular record or a set of records, or for particular data contained in those records. A database maintains the categories you have created and allows you to continue to place future items into the database so that you can keep analyzing them in the future, as new documents and reports are added. This is a great way to keep track of your records and allow you to extract statistical information about all the records you have documented. For example, you can keep all these data on a computer spreadsheet and use the program to figure out statistics about the data you have collected.

Consistency of recording data:

Consistency is important so that you can go back to old records with ease. When recording data about individual victims, cases, events etc… it is important to maintain a set list of details about the victims, cases, events, that you will maintain. Every time you record information for a particular victim, for example, you should record the same list of information.

Information about individual victims may include:
- Name, age, sex, civil status, occupation, race
Information about events/incidents may include:
- Date, location, the cause of the incident, total number of persons affected.
Information about a perpetrator may include:
- Name, age, sex, rank, affiliation.
Section 5: Different Ways to Use Data!

Reports and Reporting

Policy Advocacy and Grassroots Advocacy
Reports and Reporting

"Reporting is an essential element of the human rights monitoring function."

The process of participatory human rights fact-finding and documentation also involves the compilation and distribution of any reports that result from such activities, and should involve members of the affected communities as much as possible—both in terms of informing them about the findings and deciding how this information may best be used to achieve desired social changes. Human rights monitors and fact-finders should report back not only to those in positions of “power”—policymakers, government officials, lawyers, and others—but also to those persons and communities most directly affected by the issue, including victims and witnesses who have given their testimony as part of the documentation process.

General principles on human rights reporting:

- **Accuracy and precision:**
  - The first step in preparing any report is to verify the information received. Reports cannot be prepared and interventions with the authorities cannot be undertaken unless they are made on the basis of verified information.
  - The report should be precise and accurate and should include a description of the rights that have been violated. It should not be based on rumor or unverified information.

- **Promptness:**
  - The report should be produced promptly. Assemble the relevant evidence and complete the report while the matter is fresh in your memory.

- **Action-oriented:**
  - The report should be action-oriented...set forth recommendations for the next steps that should be taken...at the local, national, and international levels in the short, medium, and long-term.

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It may be useful to provide attachments to the report, such as copies of affidavits, maps, photos, documentary evidence, medical records, and death certificates.

“A good report will be interesting, comprehensible, credible, and succinct, and will encourage readers to engage in further thought and action.”

The Aim of the Report:

- To describe and analyze the situation, so that readers will be able to form an opinion about the state of human rights in the field our study covers. One must note that this also depends on the audience and objectives one is trying to reach. Depending on the audience and objectives, it may be better to use statistics vs. testimonies and vice versa.

- To present recommendations that signal the way to bringing about changes through the application of political, legal, or social action – which we can plan in detail based on the report.

- The report itself should constitute an element of such action. By distributing it in a deliberately planned way, we can have an impact on the situation we want to improve.

- To win allies for a specific goal. Our report may get many individuals and organizations interested in the problem of human rights violations, and demonstrate to them the sense of taking joint action.

- To present evidence of concrete cases of human rights violations, which we can subsequently make use of when taking action aimed at changing the situation.

- To present didactic (instructive) material. By citing the primary international documents guaranteeing human rights protection, our report may play an instructive role. Even if readers do not know much about human rights, we can raise their awareness that international and instruments protecting these rights do exist.

- In a certain indirect sense, to raise our organization's [or group's] credibility. Distributing a reliable report based on facts and evidence that presents an


objective and impartial picture of the situation will build up our organization's credibility in the eyes of its supporters, its sponsors, and the public.

**Credibility of the report:**

- The report should include **only true information**. Each and every figure should be checked and double-checked before it is placed in the text. This is a matter of utmost importance...If we are not certain about a certain piece of information, it is better to leave it out of the report. If we do decide to include such information, it should be clearly stressed that we are presenting unconfirmed press reports, or the account of a single eyewitness.

- When presenting numerical data that cannot be stated exactly (such as the number of people beaten by the police at a demonstration, the number of children in the country abused by family members, etc.), we provide the number of documented cases together with our estimates of what the true figures are, e.g.

> "Our organization documented 23 cases involving the beating and brutal treatment of protest participants. Based on eyewitness accounts and our own observations, we have ground to believe that the true number of such incidents was five times higher."

We can permit ourselves to generalize or estimate the scale of phenomenon on the basis of even a small number of concrete cases of human rights violations, as long as we uncover the underlying cause for such violations. Once we know the cause, we may presume that it will bring about similar results in other cases.

**Preparing a “Shadow” report:**

- Shadow reports are those prepared by NGOs to provide information that supplements the periodic reports of governments to treaty-monitoring bodies. A shadow report can be comprehensive, equaling the scope of what the government is supposed to report on, or specific, focusing on certain issues, especially particular, persistent and egregious problems.

- A number of NGOs should work together in preparing shadow reports. This is so that a broader range of information can be put together. The group also gains more credibility because of its number, and thus should with more in the eyes of the treaty-monitoring body or government.

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36 Ibid.

- It is best if the group can obtain a copy of the initial report of the government. From there, it can come up with a list of questions related to gaps or inaccuracies in the governmental report. It can submit the list to the treaty-monitoring body, for consideration in the development of "list of issues" to be taken up with the reporting government. It can also use the list of questions as a guide in preparing an alternative report that highlights the inaccuracies and fills in the gaps in the government report.

**Protecting sources of information.**\(^{38}\)

Sometimes information in our report comes from people who wish to remain anonymous. Others may face serious danger if the authorities identify them. Such individuals have placed their trust in us. We cannot put them at risk of encountering unpleasant or difficult situations, or even danger to their health or life.

In such situations we encode the names of our sources in order to ensure that it is impossible to identify them. If even this is too dangerous, we do not provide any initials at all, but rather write in general about [for example] "a certain inmate." If the description of their situation alone provides enough information to enable our source to be identified and thereby puts him or her at risk, we will refrain from placing it in our report.

*In such cases, even if we have the person's expressed consent to tell their story, we must give some consideration as to whether doing so is truly worth the risk involved.*

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\(^{38}\) *Ibid.*
Policy Advocacy or Grassroots Advocacy

Remember, documentation should always be done for a reason and that reason is generally to change negative conditions for a specific group of persons. One way to change the negative conditions being experienced by affected persons is to engage in policy advocacy, sometimes referred to as grassroots advocacy.

Advocacy is a set of targeted actions directed at decision makers in support of a specific policy issue.

Some relevant steps in the advocacy process:

Define the Issue. Advocacy begins with an issue or problem that [a group] agrees to support in order to promote a policy change. The issue should meet the [group's] agreed-upon criteria and support the overall mission (e.g., issue is focused, clear, and widely felt by constituents). Include the following:

- Analysis of the external environment, including political, economic, social, and other factors;
- Organizing issue identification meetings; and
- Collecting and analyzing data about the situation (baseline surveys, focus groups, census, etc.).

Data collection - Gathering, analyzing, and using appropriate quantitative and qualitative information to support each step of your campaign.

Collect Data. Data collection [i.e. documentation] supports many of the stages of the advocacy process. Advocacy networks should collect and analyze data to identify and select their issue as well as develop advocacy objectives, craft messages, expand their base of support, and influence policymakers. Data collection is an ongoing activity for the duration of the advocacy campaign.

Monitor and Evaluate. As with data collection, monitoring and evaluation occur throughout the advocacy process. Before undertaking the advocacy campaign, the network must determine how it will monitor its implementation plan. In addition, the group should decide how it will evaluate or measure progress and results. Can the network realistically expect to bring about a change in policy, programs, or funding as a result of its efforts? In specific terms, what will be different following the completion of the advocacy campaign? How will the group know that the situation has changed?

Lawsuits and legal action. A lawsuit can be a very effective way of addressing an individual incident of abuse or changing widespread abusive practices within a law enforcement agency. A particular official as well as the government may be sued for the official's abusive behavior, either to receive money and/or to stop the official from continuing that behavior through a court order. (What is the source for this?)
Section 6: Resources for Safety and Security

Basic Media Guide for Immigrant Workers

Safety and Security Guidelines
When advocating for legal or policy changes that can help improve the lives of immigrants and the communities we live in, using the media can be a very effective tool. By talking to the media: you can help put a human face on the problems immigrants face, you get to tell our own story and in your own words, highlight the contributions immigrants make to the U.S. economy and society as a whole, and shine a light on the exploitation immigrants suffer at the hands of employers or the adverse impact of bad policies.

However, it is important to protect yourself when talking to the media. Media coverage can be risky for undocumented immigrants, and there are even risks for non-U.S. citizens who have legal status. Remember that the press may want more information than you may want to give—it is okay to follow the below guidelines and refuse to answer certain questions. These guidelines are meant to help you protect yourself, something you can do while still getting your story and message across to the press.

The main risks of press coverage are as follows:

- You may come to the attention of immigration authorities or others who wish you harm if your real name is used and you are identified as an undocumented immigrant. This is not a common occurrence but it has been known to happen, particularly to persons who live in small towns where they may be seen and recognized.

- You may come to the attention of immigration authorities or others who wish you harm if the newspaper story includes your photograph. If your photo is identified as that of an undocumented immigrant, even without your name, you may be recognized. Again, this risk is greatest in smaller areas.

- If you have legal status but are not a U.S. citizen, you may face problems in the future if you give information and details about your immigration case. This is especially true for people who are in deportation proceedings (are fighting their case in front of an immigration judge). Do not ever provide information to the media that contradicts the facts of your immigration case.

How you can protect your security while talking to the press:

If you are concerned about any of the above risks, below are some suggestions that you can follow in order to protect your security while talking to the press:

- Let the reporter know that you want to be anonymous, or that you want to use a fictitious name. Give only your first name, or a made-up first and last name. If you

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40 Developed by the National Immigration Law Center available at www.nilc.org.
want to use a made-up name, do not use the name of anyone you know. However, it is important that you let the reporter know about this ahead of time. Be honest. Reporters are used to dealing with similar types of situations.

- If you are providing identifying information to the reporter (your full name, the city in which you live, etc.), do not answer questions regarding your immigration status. For example, if the reporter asks you, “Are you undocumented?” or “What is your immigration status now?” you can reply, “I prefer not to answer that question. The important thing is that I am a worker.”

- Do not give any information about how you came to the U.S., what immigration applications you may have filed, or whether you are or have been in immigration detention or deportation proceedings.

- It is especially important to **not** talk about any of the following:
  - Whether you have been deported before;
  - Whether you have ever used any false documents or identification (someone else’s passport or birth certificate, a fake social security number, a false green card or work permit, etc.);
  - Any crimes that you pled guilty to or were convicted of.

- Do not have your photograph taken by the press as part of the story. However, if you do want a photo included, you can agree beforehand with the reporter that the picture will be blurred or darkened or will otherwise not allow anyone to identify you (for example, a photo of your back).

- If you decide to appear on a television show, you can also agree beforehand with the reporter to have your image be altered or put in a shadow. If you decide to speak on a TV or radio show, remember that you can request to have your voice electronically altered so that you won’t be recognized.
Safety and Security of Documenter and Documented

The information presented here is not intended to take the place of legal advice regarding a specific situation, but should serve as a guide for taking steps to protect organizational information (including constituent information) that you may collect and store in your office. This information was developed in consultation with legal experts for use by staff of the American Friends Service Committee (AFSC). Before following the advice and suggestions listed below, you should consult with the leadership of your group or organization and/or with a trusted lawyer or legal service provider in your area.

Basic Office Security

- Always be aware of who has access to your office, files, computers, and other records. Establish a sign-in system so that there will always be a record of who has been in your office.

- Have volunteers and interns sign confidentiality agreements regarding constituent information and other sensitive materials, including what is recorded or written down as well as what is shared in community meetings and other forums. Train new staff, interns and volunteers about their responsibilities to protect organizational information while they are working with your office, and share these guidelines with them.

- Avoid leaving files that contain constituent records -- such as surveys, abuse reports, personal testimonies, and legal files -- out in the open. Place such materials in file cabinets and lock the cabinets when they are not in use. If your file cabinet does not already have a lock, you can easily have one installed.

- Password-protect all computers and database systems, including laptops that staff take out of the office. Each staff member should have his/her own unique password that should not be shared with anyone else.

Protecting Information about Program Constituents

- There may be rare circumstances under which you may be ordered ("subpoenaed") to turn over constituent records as part of a legal proceeding. The information that we collect about and from our program constituents is not protected unless it is gathered under the shield of an attorney-client relationship. Therefore, it is advisable to collect sensitive information only when it is essential to do so (such information may include name, address, other identifying data or characteristics; immigration status; criminal history; manner of entry to the U.S.; prior interactions with or arrests by law enforcement agents or entities, etc.). If you gathered such information for an essential reason in the past but no longer need that information, discard the documentation in a secure manner (e.g. a paper shredder).
• Do not reveal personal information about constituents without their explicit consent. When collecting information from program constituents or community members—including surveys, questionnaires, personal testimonies or narratives, abuse reports, etc.—consider having them sign a release form. Once a basic release form is developed, it can then be used on a case-by-case basis depending upon the project/s being pursued and the intended use(s) of the documentation.

• Release forms can authorize you—with an individual’s permission—to use their information in reports, for administrative advocacy, or with the press. Based on the terms of the release, this information can be shared anonymously depending upon the situation of the individual(s) concerned.

**Encounters with Law Enforcement**

• You may want to consider developing a working relationship with a trusted lawyer or legal organization capable of providing advice on local law enforcement practices and willing to be called upon to offer assistance if a problem arises. If you have not yet established such a relationship, you may wish to consult with the nearest National Lawyers Guild chapter for recommendations. See: [http://www.nlg.org/chapters/chapters.htm](http://www.nlg.org/chapters/chapters.htm)

• You may want to identify a main contact and back-up person who is responsible for handling all inquiries from law enforcement. You may also want to direct other staff to refer any inquiries to these people and make it clear that they are not authorized to provide any information.

• The most likely scenario is that the government or a law enforcement entity would seek to proceed by subpoena, a process that provides ample time to obtain legal advice. If law-enforcement personnel visit your office without advance notice, however, these are suggested steps to protect both individual and organizational safety:

  o **Arrival of officer**
    • Be polite, respectful, and calm. Don’t run, make quick movements, or touch the officer(s).
    • Ask a colleague(s) to join you and remain present and take notes after. They have the right to observe as long as they are not interfering with the police and remain at a safe distance (about 15 feet away).

  o **If you are alone in the office**
    • Ask the officer if you may tape-record the conversation (make sure that you have an audio recorder and batteries on hand for this purpose).
• Ask if you may have a moment to call your attorney, "so that we may have a three-way conversation."

Questions

• If you are asked, identify yourself by name and, if applicable, the name of the organization that you work for.\footnote{Even though the U.S. constitution guarantees the "right to remain silent," a recent Supreme Court decision (Hiibel v. Sixth Judicial District Court) allows police in certain states to arrest persons for refusing to identify themselves. (Note: Hiibel only applies if there is a statute in the state requiring identification and the police have reasonable suspicion of a crime.) You may wish to consult with a trusted lawyer or legal organization to obtain more information about your rights and obligations in the event that you find yourself in this type of situation in your area.}

• If asked further questions, you may choose to indicate that you will not answer questions by saying "I am going to remain silent. I want to talk to my lawyer." Note: it is not a crime to refuse to answer; you are simply exercising your constitutional right to remain silent. However, anything that you say or do can be used against you -- or your organization -- in court.

• Do not volunteer any information or answer any substantive questions. Note that it is a crime to lie to a government officer, but police officers have no obligation to be truthful with you. Never assume that information they give you about your rights or the statements or actions of anyone else is necessarily accurate.

Searches

• If the officers ask to view or search the premises, ask if they have a search warrant. If they say yes, ask to see it. Check it carefully; it must have the right name, address, date, a judge's signature, and state what is being looked for. Follow the officers and insist that they stick to the terms of the search. If possible have someone join you in observing the search.

• Whether or not they have a search warrant, it is important to tell the agents, "I do not consent to this search." Such a statement will establish an important record for future legal action. Note that if you do not make such a statement, including if you are silent while they enter your premises, this will be seen by the courts as "implied consent."
• If the officers are requesting specific information from your files, you may want to let them know that they need to make the request and present the warrant to the head of your organization.

  • **Detention and/or arrest**
    • Do not resist arrest.
    • If you are detained, ask if you are being arrested. If you are not sure, ask “am I free to go?” Officers must tell you if they are arresting you and explain why.
    • The officers can do a pat down search on the outer part of your clothing, but do not consent to any further search of your person.
    • If they respond that you are not free to leave, exercise your constitutional right to **remain silent**. Say that you wish to contact a lawyer immediately. These rights can be invoked at any time, even if you have already started to answer questions.

  • **Documentation**
    • While you are talking to the officer(s), make sure that a colleague is documenting the following information: names, badge numbers, car numbers, and descriptions of the officers; what the officers said, what tone of voice they used, etc.
    • If you are alone or otherwise unable to have someone document the incident while it is occurring, write down all the details you can remember immediately afterwards, while your memory is fresh.

• **Key Phrases you may choose to use in the above-mentioned situations:**
  • “I choose not to answer any questions until my attorney is present.”
  • “Am I free to leave?”
  • “I do not consent to a search.”
  • “May I see a search warrant?”
  • “I am observing and will keep a safe distance and will not interfere.”
Safety, Security, and Other Considerations: Tips from the Field

Key Points:
- Work in pairs—do not go it alone;
- Keep your distance;
- Don’t interfere with enforcement operations;
- Be cautious—don’t take any unnecessary risks; and
- Don’t argue with the police—arguing can lead to an otherwise unnecessary arrest.

Tips from AFSC’s San Diego Area Office’s “General protocol for conducting human rights monitoring”:

General Instructions –
- Do not escalate tension;
- Do not go alone—at least two people should conduct a monitoring session;
- Wear a human right observer tee shirt or some other type of identification;
- Maintain a distance of 15 feet or more from the border patrol or other law enforcement agents;
- Assign specific tasks to each person participating;
- Only one person should have contact with the agents;
- The border patrol/law enforcement agent in charge of the operation should be identified;
- Have emergency contacts (including legal service providers) with you in case there is a problem;
- Only answer your name and if asked to identify yourself do so with a valid ID42;
- If persons other than US citizens choose to participate, they should do so knowing that there may be heightened risks to their immigration status (if there are doubts about risks to one’s immigration status, an immigration attorney or legal service provider should be consulted ahead of time);
- If detained, do not answer any questions except your name...remember your rights! Be sure to state clearly and repeatedly, “I want to talk to a lawyer”; and lastly,

42 Even though the U.S. constitution guarantees the “right to remain silent,” a recent Supreme Court decision (Hiibel v. Sixth Judicial District Court) allows police in certain states to arrest persons for refusing to identify themselves. (Note: Hiibel only applies if there is a statute in the state requiring identification and the police have reasonable suspicion of a crime.) You may wish to consult with a trusted lawyer or legal organization to obtain more information about your rights and obligations in the event that you find yourself in this type of situation in your area.
If an important objective is to avoid arrest, the best advice is to follow orders. That means that even if you are beyond 15 feet and the police tell you to step back, step back. After you step back you can ask, calmly, for clarification, stating that you do not intend to interfere, that you are a human rights documenter and that you would like to move closer without interfering. You can also take the badge number and file a complaint after the incident. Or, you can refuse to move and argue, but if you do that you should know that you are inviting arrest on some minor grounds like "disobeying a lawful order."

Video and Photographic Recording –

- Always maintain a distance of at least 15 feet or more from the operation and border patrol or other enforcement agents;
- Always remember that your optical lens records only a fractions of the entire incident and you must remain aware of your immediate surroundings;
- Try to have someone in the group carry a back-up camera should you become unable to record incidents which occur near you; and
- Attempt to photograph/video record important details of the incident (i.e. all agents involved, license plate and vehicle numbers, all persons detained, details of where the incident occurred, etc.).

Taking Notes –

- Try to write down as much factual information as possible (i.e. number of border patrol or law enforcement agents, license plate and vehicle numbers, number of persons detained, nearest cross street and closest building, etc.); and
- Try to maintain a panoramic view of the incident while taking notes.

Remember To –

- Conduct yourself with professionalism;
- Take precautions...do not carry anything that could be construed as a weapon; and
- Use common sense, remain calm, and be careful!

From the National Lawyers Guild Legal Observer Training Manual: 43

When observing, monitoring or documenting, you may want to bring some of the following items with you:

- Notebook and pens
- Something that identifies you as a legal observer (e.g. an ID badge, shirt or cap)
- Legal team telephone list
- Identification
- Cell phone or adequate change for a pay phone
- Area map, if needed

43 Available at: www.nlq.org
• Audio recorder
• Camera (disposable cameras are recommended)

Take detailed notes, including:
• What law enforcement agencies are present and any names and badge numbers you are able to see, especially of those conducting an arrest;
• If you cannot see this kind of identifying information or if there is none, note down physical descriptions if you can;
• Time and location [set your camera to display the date/time automatically or you can shoot video of your watch or a public clock if this functionality is not available. It is also recommended to shoot video of the street signs or other landmarks];
• Who is in charge;
• Warnings [or statements] given, who gave them, what they said, how much of it (if any) you can hear;
• Information about people arrested;
• Officers’ conduct and any special circumstances (force used, injuries, sweeps); and
• Conversations occurring between law enforcement and others.

Tips for using video or photographic documentation:
• Use your zoom capabilities! Don’t get too close; use distance to stay safe and to get a wider vantage point.
• If a law enforcement officer asks you to turn over your camera or your film, it is best to comply. Remember, “Rights do not get vindicated on the street.”
• If your camera, film or other equipment is confiscated, ask (and write down) where it will be taken, when you can get it back, and who you can contact about retrieving your property.

If you have a camera, take a few photos to document the scene even before it appears that the police are intending to take any action with regard to demonstrators. If an incident between police and demonstrators occurs, get as close to the scene as necessary to get a good perspective. A clear angle may be more important than getting close if your vision will be obscured. If you have a camera, the wider point of view may in fact reveal more than closer shots that are too narrow.

Additional Know Your Rights Materials:
http://www.nlg.org/resources/know_your_rights.htm
www.civil-rights.net
www.nycplc.mahost.org
www.aclu.org

Appendix

In this section we are hoping to add additional examples/samples of ways in which one could conduct documentation (questionnaires, in-take forms, surveys, etc.) Please let us know if you have things that you would like to contribute to this section.
Immigrant Worker Survey

Personal Information

Name: ____________________________  E-mail: ____________________________
Sex:  M  F  Mailing Address: ____________________________
Age: ____________________________ Additional Contact (friend or relative):
Preferred language? ____________________________
Country of birth: ____________________________
Phone: (H) ____________________________
             (W) ____________________________
             (Cell) ____________________________
Is it okay to leave messages?  Y   N

Current or Past Employment Information

Job #1:
Name of company or employer (if willing to provide): ____________________________
City and State where employer is located: ____________________________
Average number of hours you work[ed] per week _______
Start date: ___/____/_____  Termination date (if applicable): ___/____/_____      
Industry (please circle):
Restaurant / Hotel / Construction / Garment / Meat-packing / Poultry / Agriculture / Domestic / 
Other ____________________________
Did you or do you belong to a union as part of this job?  Y   N
If yes, which one? ____________________________

Job #2:
Name of company or employer (if willing to provide): ____________________________
City and State where employer is located: ____________________________
Average number of hours you work[ed] per week ____________
Start date: ___/_____/______             Termination date (if applicable): ___/_____/______

Industry (please circle):
Restaurant / Hotel / Construction / Garment / Meat-packing / Poultry / Agriculture / Domestic /
Other __________________

Did you or do you belong to a union as part of this job? Y    N

If yes, which one?______________________________________

• To provide information about more than two jobs, use the back of this page.

Your Story: (Attach additional sheets as necessary.)
It is estimated that there are over 5 million undocumented workers in the United States. Because of their lack of legal immigration status, many of these workers are vulnerable to abuse and exploitation, as well as violations of their basic rights, while on the job. These injustices should not go unheard; this is your chance to tell your story! Please answer the following questions, as they apply to you:

1. Describe the conditions of your workplace, as well as the type of work that you do or did for any job listed above.
2. If you have been treated unfairly, harmed or discriminated against while at work, please describe in detail what happened to you.
3. What role, if any, did your immigration status play in your treatment or situation at work? For example, did anyone at work ever threaten to fire you or turn you over to the immigration authorities? If so, please describe each incident in detail. Were you ever threatened or made to feel afraid at any other point in time? Please give specific examples wherever possible.
4. Did you take any action in response to this treatment? (For example, did you follow any internal grievance procedures, ask a union for assistance, or file a lawsuit suit?) If so, what were the results?
5. If you did not take any action in response to this treatment, please explain why.

(Please feel free to use additional pages or the back of these pages.)
Consent: (Please read carefully and sign.)

The information I have provided will be used as part of an effort by Project Voice of the American Friends Service Committee and the International Human Rights Law Clinic of American University to document the experiences of immigrant workers and to provide legal assistance to immigrant workers. I consent to have my story included as part of a presentation to the Inter-American Commission on Human Rights or as part of other reports or advocacy efforts on behalf of immigrant workers. My story will be told in general terms without disclosing my name or other information that would personally identify me.

My information may also be shared with other lawyers who may be able to provide individual legal representation to me. These lawyers will hold my information in strict confidentiality.

Any information not explicitly covered by this limited consent is provided under attorney-client privilege with an expectation of strict confidentiality.

Signature: ___________________________ Date: ___________________________

Name of Preparer: ___________________ Date: ___________________________

WHO WE ARE and WHY WE WANT TO HEAR YOUR STORY

American Friends Service Committee’s (AFSC) Project Voice

*Project Voice* is a national initiative of the American Friends Service Committee (AFSC) with regional offices across the country. Its purpose is to strengthen the voices of immigrants and immigrant-led organizations in setting the national agenda for immigration policy and immigrants’ rights. We are seeking to collect your stories in order to document the human rights violations experienced by immigrant workers in the United States and to advocate together for changes that protect and strengthen these rights. We also encourage you to get involved with your local AFSC office if you want to learn more about your rights as a worker and how to protect and defend them.

American University International Human Rights Law Clinic (IHRLC)

The International Human Rights Law Clinic (IHRLC) is part of the American University Law School. Law students are working with a supervising attorney to present your story and the stories of other undocumented workers to the Inter-American Commission on Human Rights. We plan to demonstrate to the Commission that some US laws violate the employment rights of undocumented workers. We believe that these stories will be useful in convincing the Commission to address these violations.
Recent US Laws have said that undocumented workers who are victims of union-busting by their employers have fewer ways of fighting back in the courts than documented workers. These laws limit the employment rights of undocumented workers and violate international human rights standards. Your story will be used as evidence to prove this point to the Commission and show them how unfair U.S. laws impact the daily lives of undocumented working people.

Inter-American Commission of Human Rights

The Inter-American Commission on Human Rights (IACHR) is made up of Commissioners from different countries in North and South America. Most countries in the Americas have promised to follow certain rules about human rights. The Commissioners make sure that each country keeps its promises. They do this by having hearings about human rights issues where they learn about violations that are occurring. The Commissioners then try to make sure that these countries of North and South America comply with human rights standards that they are obligated to follow.

EN ESPAÑOL:

Cuestionario de Trabajador Inmigrante

Información Personal

Nombre: ____________________________  Correo Electrónico: ________________
Sexo:  M    F
Edad:______________
¿Idioma de preferencia?_______________
País de Nacimiento: ________________
Teléfono: (Hogar) ________________
   (Trabajo) ________________
   (Celular) ________________
Contacto Adicional (amigo o familiar):
   ____________________________
¿Se puede dejarle mensajes?  Sí  No
   ____________________________
Información sobre Ocupación Actual o Pasada

**Ocupación #1:**
Nombre de la compañía o empleador (si lo desea proporcionar): _______________________
Ciudad y Estado donde se localiza el empleador: ________________________________
Número promedio de horas que usted trabaja (o trabajó) semanalmente: _______________
Fecha de Inicio: _____/_____/______
Fecha de Cese (si fuese aplicable): __/_____/______
Industria (por favor trace un círculo alrededor):
Restaurante / Hotel / Construcción / Confección Textil / Empacadora de Carnes / Avicultura /
Agricultura / Doméstica / Otra _____________________
¿Pertenece, o perteneció, usted a un sindicato como condición de este trabajo?    Si    No
Si la respuesta es afirmativa, ¿a cuál? _________________________________________

**Ocupación #2:**
Nombre de la compañía o empleador (si lo desea proporcionar): _______________________
Ciudad y Estado donde se localiza el empleador: ________________________________
Número promedio de horas que usted trabaja (o trabajó) semanalmente: _______________
Fecha de Inicio: _____/_____/______
Fecha de Cese (si fuese aplicable): __/_____/______
Industria (por favor trace un círculo alrededor):
Restaurante / Hotel / Construcción / Confección Textil / Empacadora de Carnes / Avicultura /
Agricultura / Doméstica / Otra _____________________
¿Pertenece o perteneció usted a un sindicato como condición de este trabajo?    Si    No
Si la respuesta es afirmativa, ¿a cuál? _________________________________________

*Use el revés de esta página para proporcionar información si tuviera más de dos ocupaciones.*

**Su historia:** (Adjunte hojas adicionales si es necesario.)
Se estima que hay más de 5 millones de trabajadores indocumentados en los Estados Unidos. Muchos de estos trabajadores son vulnerables durante el trabajo a abusos, explotación, así como a violaciones de sus derechos básicos por carecer de estatus legal de inmigración. Estas injusticias deberían ser oídas, ¡esta es su oportunidad de contar su historia! Por favor conteste las preguntas siguientes de manera tal como se aplique a su caso:
6. Describa las condiciones de su lugar de trabajo, así como el tipo de trabajo que usted hace o hizo para cualquiera de las ocupaciones mencionadas anteriormente.

7. Si usted ha sido tratado injustamente, si ha sufrido daño o ha sido discriminado durante el trabajo, describa por favor en detalle lo ocurrido.

8. ¿Qué papel, si alguno, cumplió su estatus de inmigración en la manera como usted era tratado o en su situación en el trabajo? Por ejemplo, ¿alguna persona lo amenazó a usted en su trabajo con despedirlo o entregarlo a oficiales de inmigración? Si fuera así, describa por favor cada incidente detalladamente. ¿Fue usted alguna vez amenazado o intimidado en alguna otra ocasión? Sirvase proporcionar ejemplos específicos cuando sea posible.

9. ¿Tomó usted acción alguna en respuesta a este trato? (Como por ejemplo, ¿recurrió usted a algún procedimiento interno para solucionar quejas, pidió ayuda a un representante sindical, o inició alguna acción legal?) Si fuera así, ¿cúal fue el resultado?

10. Si usted no inició acción legal alguna en respuesta a este trato, explique por qué:

(Por favor tómese la libertad de usar paginas adicionales o el revés de estas)

Consentimiento : (Lea cuidadosamente, y firme)

La información que he proporcionado será usada por el Proyecto Voz del Comité de Servicio de Amigos Americanos (en inglés: American Friends Service Committee) y la Clínica Legal de Derechos Humanos Internacionales de la Universidad Americana (en inglés: International Human Rights Law Clinic of American University) como parte de un esfuerzo para documentar las experiencias de trabajadores inmigrantes y para proporcionar asistencia legal a trabajadores inmigrantes. Consiento a que mi historia sea incluida como parte de una presentación a la Comisión Interamericana de Derechos Humanos (en inglés: Inter-American Commission on Human Rights) o como parte de otros reportes o esfuerzos de defensa de trabajadores inmigrantes. Mi historia será contada en términos generales sin revelar mi nombre ni otra información que sirva para identificarme personalmente.

Es posible que mi información sea compartida con otros abogados, los cuales posiblemente puedan ofrecerme representación legal. Estos abogados guardarán mi información en absoluta reserva.

Cualquier información no cubierta por este consentimiento limitado es provista bajo secreto profesional con expectativa de absoluta reserva.

Firma: _________________________________   Fecha: _________________________

Nombre del Preparador: ___________________   Fecha: _________________________
Quienes somos Y Por que queremos escuchar su historia

Proyecto Voz del Comité de Servicio de Amigos Americanos (AFSC)

El Proyecto Voz es una iniciativa nacional del Comité de Servicio de Amigos Americanos (AFSC) con oficinas regionales en todo el país. Su propósito es el fortalecer las voces de inmigrantes y de organizaciones lideradas por inmigrantes en la definición de la agenda nacional con respecto a la política de inmigración y a los derechos de inmigrantes. Intentamos recoger sus historias con el propósito de documentar las violaciones de derechos humanos sufridas por trabajadores inmigrantes en los Estados Unidos y de propugnar juntos por cambios que protejan y fortalezcan estos derechos. Lo alentamos a usted también a relacionarse con su oficina local de AFSC si desea aprender más sobre sus derechos como trabajador y sobre como protegerlos y defenderlos.

Clínica Legal de Derechos Humanos Internacionales (IHRLC) de la Universidad Americana

La Clínica Legal de Derechos Humanos Internacionales (IHRLC) forma parte de la Facultad de Leyes de la Universidad Americana. Los estudiantes de leyes trabajan con un abogado supervisor para presentar su historia y las de otros trabajadores indocumentados a la Comisión Interamericana de Derechos Humanos. Planeamos demostrar a la Comisión que algunas leyes estadounidenses violan los derechos laborales de trabajadores indocumentados. Creemos que estas historias servirán para convencer a la Comisión a que aborde estas violaciones.

Leyes estadounidenses recientes han dicho que los trabajadores indocumentados que son víctimas de sabotaje antisindical por parte de sus empleadores poseen menos recursos para defenderse legalmente que los trabajadores documentados. Estas leyes limitan los derechos laborales de trabajadores indocumentados y violan estándares de derechos humanos internacionales. Su historia será usada como evidencia para demostrar este punto a la Comisión y para mostrarles como leyes estadounidenses injustas hacen impacto en las vidas cotidianas de personas trabajadoras indocumentadas.

Comisión Interamericana de Derechos Humanos

La Comisión Interamericana de Derechos Humanos (IACHR) está compuesta por Comisionados de varios países de Norte y Sudamérica. La mayoría de países en América han prometido cumplir con ciertas reglas sobre derechos humanos. Los Comisionados se aseguran que cada país mantenga sus promesas. Hacen esto realizando audiencias sobre problemas de derechos humanos donde se enteren que violaciones ocurren. Los Comisionados, entonces, tratan de asegurar que estos países de Norte y Sudamérica obedezcan estos estándares de derechos humanos que tienen la obligación de cumplir.
Please e-mail this form to:

Please ask and provide answers to the following questions – add additional information and use additional sheets if needed!

1. Do you have family in the United States? Please describe your family members, including ages, their relationship to you, and where they were born.

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

2. How long have you been living in the United States?

________________________________________

3. Why did you decide to come to live in the U.S.?

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

4. How did you arrive?

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

5. Are you currently working? If so what kind of work do you do?

________________________________________
6. What is your wage or salary? $_________/hr. $_________month

7. Are taxes deducted from your wages? Yes No

8. Are you currently studying? If so, what are you studying? Do you want to study in the future or continue studying?

9. Have you ever applied for immigration status? Why or why not?

10. If you have applied for immigration status, what was the outcome?

11. What is your current status?

12. If you do not have immigration status, how has this affected you and your family?

13. What kinds of community activities are you involved in?

14. What are your hopes for the future?
Wal-Mart Immigration Raids Interview Form

Interviewer Information

Name of Interviewer:____________________________________

Organization/Group: ____________________________________

Interviewer Contact Information: ____________________________ (Telephone Number)

__________________________ (Fax Number)

__________________________ (Email Address)

Prior to beginning the interview, ask the worker if they have spoken to an immigration attorney or other immigration legal service provider about their case. If not, referrals should be provided to the worker at the time of the interview. You may contact Amy Sugimori at the National Employment Law Project (NELP) at (212) 285-3025 x 102 or at asugimori@nelp.org for names of lawyers who have agreed to provide free advice to affected workers.

For the protection of the worker being interviewed, the interviewer should not request or record any of the following information regarding the worker and their family members: name; date of birth; current immigration status; date of entry to the U.S.; or manner of entry to the U.S. (i.e. with a visa or other documents, undocumented, with a smuggler, etc.).

Worker Information

Sex: M ( ) F ( )

Do you speak English? Yes/No

What is your preferred language?__________________________

Where were you born?__________________________

How long have you lived in the U.S.?__________________________

How many children do you have and what are their ages?__________________________

Do your children live in the U.S. or abroad? __________________________

Do you have other family members who depend upon you for support?________ If yes, how are they related to you and where do they live?__________________________

Please attach additional sheets to record the following information (please date and initial each page). The suggested questions should be used as a guide for your interview, but should not preclude you from asking follow up questions based on the responses of the worker.

Information about the worker’s experience at Wal-Mart:

1. What state were you working in when you were arrested?
2. What job did you do at Wal-Mart?
3. What is the name of the company that hired you to work at Wal-Mart?
4. How did you find out that a job was available at Wal-Mart?
5. How long had you been working at Wal-Mart when you were arrested?
6. Were you asked about your immigration status when you were hired? If yes, by whom?
7. How much were you earning when you were hired? How much were you earning when you were arrested? How much money did you send to your family members in your home country, if any, and how often?
8. How were you treated on the job? (Give specific examples.)
9. Was your paycheck ever withheld from you for any reason? If yes, what were the reasons given and how many times did this happen?
10. What was your work schedule like? How many hours were you required to work per week? Were you given time off (either sick time or vacation time)? Were you paid overtime?
11. Did anyone at work ever threaten to fire you or turn you over to the immigration authorities? If so, please describe each incident in detail. Were you ever threatened or made to feel afraid at any other point in time?

Information about the worker’s arrest/legal situation:
1. Describe what happened when you were arrested? What were you told? Where did they take you? How were you treated (be specific)?
2. Can you describe the individuals who arrested you? How were they dressed? What did their uniforms look like? Did they have badges on? Did you record the badge numbers of any of the arresting officers?
3. Were you provided with an opportunity to contact an attorney or other legal service provider while you were in custody?
4. Were you asked to sign any documents by the immigration authorities before you had an opportunity to speak to an attorney? Did you understand what you were signing? What were you told?

Information about the worker’s personal situation:
1. Describe your journey to the U.S. and how you made the decision to leave your home country (do not record specifics about how the worker actually entered the country).
2. Describe your family situation. Do you have family members in your home country? Do you have family members in the U.S.? Do they work? Do they go to school?
3. What type of work have you done in the U.S. since you arrived?
4. Do you hold more than one job? If yes, how many? Are they full/part time and what do you do at each job?
5. How have you been treated at other jobs you have held (please be specific)?
6. How will this arrest impact you on a personal level? How will it impact your future?

This form was created by Project Voice, a program of the American Friends Service Committee (AFSC). AFSC’s national office is located at 1501 Cherry St., Philadelphia, PA 19102. For more information about AFSC or Project Voice, please see www.afsc.org or contact Project Voice at projectvoice@afsc.org. For specific information about this questionnaire or how to submit interview information to Project Voice, please contact Felecia Bartow at (215) 241-7133 or fbartow@afsc.org.
Formato para Entrevista de las Redadas de Inmigración en Wal-Mart

Información sobre el entrevistador:

Nombre del entrevistador: 

Organización/Grupo: 

____________________ (Número de Teléfono)

____________________ (Número de Fax)

____________________ (Dirección de Correo Electrónico)

Antes de empezar la entrevista, pregúntele al trabajador si ha hablado con un abogado de inmigración u otro proveedor de servicios legales de inmigración sobre su caso. Si no, debe proveer el trabajador con referidos durante la entrevista. Puede contactar a Amy Sugimori del National Employment Law Project (NELP) al (212) 285-3025 x102 o al asugimori@nelp.org para nombres de abogados que están comprometidos a proveer consejos gratis a los trabajadores afectados.

Para la protección del trabajador entrevistado, el entrevistador no debe pedir o apuntar ninguna de la siguiente información sobre el trabajador o su familia: nombre; fecha de nacimiento; estado migratorio; fecha de entrada a los E.E.U.U.; o manera de entrada a los E.E.U.U. (por ejemplo, con visa u otros documentos; indocumentado; o con un coyote, etc.).

Información sobre el trabajador:

Sexo: M ( ) F ( )

¿Habla inglés? Sí/No ¿Cuál es su idioma preferido? _____________

¿Dónde nació? _____________

¿Cuál es su estado migratorio? _____________

¿Por cuánto tiempo ha vivido en los E.E.U.U.? _____________

¿Cuántos hijos tiene y cuáles son sus edades? _____________

¿Viven sus hijos dentro o fuera de los E.E.U.U.? _____________

¿Tiene otros miembros de su familia que dependen de su apoyo económico? _______ Si contesta sí, ¿Cuáles son sus lazos familiares y dónde viven? _____________

Por favor añada hojas adicionales para apuntar la siguiente información (ponga la fecha e iniciales de la entrevistadora en cada hoja). Las preguntas sugeridas pueden servir como una guía para la entrevista, pero no deben imposibilitarle de hacer más preguntas según las respuestas del trabajador.
Información sobre la experiencia del trabajador en Wal-Mart:

1. ¿En cuál estado estaba trabajando cuando fue arrestado?
2. ¿Qué trabajo(s) hacía en Wal-Mart?
3. ¿Cuál es el nombre de la compañía que le ofreció trabajo en Wal-Mart?
4. ¿Cómo se enteró de que había trabajo disponible en Wal-Mart?
5. ¿Cuánto tiempo tenía trabajando en Wal-Mart cuando fue arrestado?
6. ¿Le preguntaron sobre su estado migratorio cuando le dieron el empleo? Si contesta sí, ¿Quién se lo preguntó?
7. ¿Cuánto ganaba cuando comenzó a trabajar? ¿Cuánto estaba ganando cuando fue arrestado? Si mandaba dinero a su familia en su país, ¿Cuánto y con qué frecuencia?
8. ¿Cómo le trataban en el trabajo? (Dé ejemplos específicos.)
9. ¿Le retenían su pago/cheque por alguna razón? Si contesta sí, ¿Cuántas veces y que explicaciones le daban?
10. ¿Cuánto tiempo por enfermedad o para tomar vacaciones? ¿Le pagaron ‘overtime’ o por sus horas extras?
11. ¿Le amenazó alguien de su trabajo con botarlo o entregarlo a las autoridades de inmigración? Si contesta sí, favor de describir cada situación en detalle. ¿Le amenazaban o le metieron miedo otras veces?

Información sobre el arresto/situación legal del trabajador:

1. Describa que pasó cuando fue arrestado. ¿Qué le decían? ¿Dónde lo llevaban? ¿Cómo lo trataban (sea específico)?
2. ¿Puede describir a las personas que lo arrestaron? ¿Cómo se vestían? ¿Qué tipo de uniforme llevaban? ¿Llevaban identificación en sus uniformes? ¿Vió algún número de identificación den sus uniformes?
3. ¿Le dieron oportunidad para contactar a un abogado de inmigración u otro proveedor de servicios legales mientras que estaba en custodia de los oficiales de inmigración?
4. ¿Le pidieron las autoridades de inmigración firmar algún documento antes de tener la oportunidad de hablar con un abogado? ¿Entendió lo que firmó? ¿Qué le dijeron?

Información sobre la situación personal del trabajador:

1. Describa su viaje a los E.E.U.U. y como tomó la decisión de salir de su país de origen (no apunte detalles específicos cómo el trabajador entró al país).
3. ¿Qué tipo de trabajo(s) ha hecho desde que llegó a los E.E.U.U.?
4. ¿Tiene más de un trabajo? Si contesta sí, ¿Cuántos? ¿Son ‘full time’ o ‘part time’ y qué hace en cada uno?
5. ¿Cómo le han tratado en otros trabajos que ha tenido? (Sea específico.)
6. ¿Cómo le va a afectar este arresto al nivel personal? ¿Cómo va a impactar su futuro?

Este formulario fue creado por Project Voice/Proyecto Voz, un programa del Comité de Servicios de los Amigos Americanos/American Friends Service Committee o AFSC. La oficina nacional de AFSC está ubicada en 1501 Cherry St., Philadelphia, PA 19102. Para más información sobre AFSC o Proyecto Voz, favor de ver www.afsc.org o contacte Proyecto Voz a projectvoice@afsc.org. Para más información específica sobre este cuestionario o para entregar información sobre un(os) trabajador(es) de Wal-Mart, favor de contactar a Felecia Bartow al (215) 241-7133 o fbartow@afsc.org.

DÍA DE TRABAJADOR ENTREVISTADO FORM
Abuse Documentation Form

Interviewer Information

Date interview conducted:_______ Location of interview:____________________________________

Name of Interviewer:___________________________________________________________

Organization/Group: _____________________________________________________________

Mailing Address: _________________________________________________________________

Interviewer Contact Information: ____________________________(Telephone Number)
____________________________________(Fax Number)
____________________________________(Email Address)

Prior to beginning the interview, ask the affected person if they have spoken to an immigration attorney or other immigration legal service provider about their case. If not, referrals should be provided to the worker at the time of the interview.

For the protection of the person being interviewed, do not request or record any of the following information regarding the affected person and their family members: name; date of birth; current immigration status; date of entry to the U.S.; or manner of entry to the U.S. (i.e. with a visa or other documents, undocumented, with a smuggler, etc.). If they are willing to speak to a member of the media about their situation, please ask them to sign the attached release form.

Information about the Affected Person

Sex: M ( ) F ( ) Ethnicity: ______________________________

Do you speak English? Yes/No What is your preferred language?________________________

Where were you born?____________________________________

How long have you lived in the U.S.?_______________________________________________

How many children/dependents do you have and what are their ages?___________________

____________________________________

Do your children/dependents live in the U.S. or abroad?_______________________________

Is the mistreated person related to or associated with any other persons involved in the incident(s)? Yes ( ) No ( ) Notes:______________________________________________________________

____________________________________

General information about the incident (note details of multiple incidents in the narrative):
Date/time of incident: _____ _____ _____ _____ Exact/Approx.  (circle one)

Day    Month    Year    Time

Persons involved: # Perpetrators:_______ # Victims:_________ # Witnesses:_________

Narrative of the incident(s):

Be sure to include detailed information about the perpetrators of any abuses or harassment experienced by the affected person, such as their dress or uniform, name on badge or name overheard, badge number, vehicle type, physical description – age, height, eye, hair, or skin color, marking or tattoos, facial hair, glasses, etc. Also, include specific statements made by perpetrators or others during the incident. If you need to attach additional sheets, please include the date and the interviewer’s initials on each page.

________________________________________________________________________

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Created by Project Voice, a program of the American Friends Service Committee (AFSC) located at 1501 Cherry St., Philadelphia, PA 19102

Email: projectvoice@afsc.org

Website: www.afsc.org
Fair Wage Complaint Form

Name:__________________________________________________________________
Address:________________________________________________________________
City: __________________________   State: _______________  Zip: _______________
Date of Birth: _______________ Work Phone: _________________________________
Home Phone: _________________________ Cell______________________________
Other Phone (sister, friend, etc) ____________________________________________
What type of work did you perform: _______________________________________

EMPLOYER INFORMATION:

Company Name: __________________________________________________________
Address: __________________________________________________________________
City: ____________________________   State: ___________      Zip:_______________
Phone: _______________     Total number of employees at company/job: __________
President/Owner Name: _________________________  Title: _____________________
Local Manager Name: _____________________________________________________
Town where work was performed: ___________________________________________
Van Driver/Van Agency _____________________________________________________

WAGE/BENEFIT INFORMATION:

Date of Hire: __________Were you discharged? Yes No Date of discharge: __________
Did you leave? Yes No       Date: __________
Reason for leaving:
If you left, did you make a personal demand for this money?

__________________________

45 Source to be confirmed.
If yes, what was the response of the employer:

Did you face retaliation?

Rate of Pay: $ __________ per (hour/week): __________ Unpaid Wages: __________

What dates did you work for the money which you claim you are owed:

From: __________ to __________ Total amount owed: $ _________________

Have you signed a contract as a consultant or independent contractor? Yes  No

Do you have an attorney representing you in this matter? Yes  No

Have you taken any other action against your employer in this matter? Yes  No

If yes, please explain: _____________________________________________________
________________________________________________________________________

Are you willing to fully cooperate with the Attorney General’s Office, which may include appearing in court? _______________________________________________________

EXPLAIN IN DETAIL the facts relating to why you were not paid or why you are filing this complaint. If your complaint involves vacation pay, briefly explain how you earned vacation time (e.g. one week per year, one week after one year, monthly accrual, etc.)
________________________________________________________________________

Additional Information

Did someone find the work for you? Yes  No  Who? _____________________________

Pay master name/Temp Agency: _____________________________________________

Location: __________________________________________________________

Pick Up Location _________________________________________________________

Were you paid in cash? Yes No

Do you have receipts or records of any payment? Yes No
If so, what? ______________________________________________________________

Do you have proof that you were on the work site? ____________________________

__________________________________________________________________________

Did anyone see you working their? (delivery driver, post man, customer)

__________________________________________________________________________

__________________________________________________________________________

Are there other workers who have not been paid?  Yes  No  How Many? _________

Names and Contact Info ____________________________________________________

What language would prefer to be contacted in? ______________________________
EXAMPLES OF HUMAN RIGHTS DOCUMENTATION

San Diego: A Case Study on the Impact of Enforcement on Border Communities, February 2005
American Friends Service Committee
San Diego Area Office
PO Box 126147
San Diego, CA 92112
usmexborder@afsc.org
619 233 4114


Hunger is No Accident, July 2000
Report which examines human rights violations related to the food stamp program in New York City. www.urbanjustice.org

Battered Women Speak Out, November 2002

Poor Peoples’ Economic Human Rights Report on the United States
Kensington Welfare Rights Unions
www.kwru.org

Behind Every Abuse There is a Community, 2001
Border Network from Human Rights.
611 Kansas St., El Paso, TX 79901
915 577 0724
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1999, “Memory, How do we remember what we know?” Psychology of Intelligence, Analysis, Center for the Study of Intelligence, CIA.


www.rtfcam.org/report/volume_19/No_1/article_2.htm


Templeton, Rini, Rini Templeton Memorial Fund, www.riniart.org [online]
