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Guide to preparing reports on human
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**GUIDE TO PREPARING REPORTS ON HUMAN RIGHTS,
DEMOCRATIC DEVELOPMENT AND GOOD GOVERNANCE**

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Introduction

The purpose of the present guide to preparing annual reports on human rights, democratic development and good governance in your countries of accreditation is to **provide a common format** for purposes of comparison and analysis by Foreign Affairs and CIDA geographic and functional divisions. This guide seeks to encourage mission officers to draft reports that are as **objective, as comprehensive and as uniform as possible**, notwithstanding several difficulties officers are likely to encounter, such as problems of access to information, the multiplicity of sources, and differences in political and social systems.

The annual reports were originally used to assess the human rights and good governance performance of Canadian aid recipients in the context of the Cabinet's aid allocation exercise. The reports have expanded beyond this original purpose and are now used in preparing briefing material for Ministers, parliamentarians and senior departmental officials for their use during UN and regional summits and meetings, visits of foreign officials, meetings with human rights NGOs, donor consortium meetings, and replies to letters from NGOs and the Canadian public. The annual reports are also particularly helpful in helping Foreign Affairs and CIDA geographic and functional divisions make policy decisions concerning, for example, export permits for military equipment, credits for export development, aid allocations, and human rights programming.

The present guide is comprised of two parts. Part I deals with differing social and political realities encountered abroad by reporting officers and suggests possible sources of information. Part II deals with the report itself, explaining all its elements in detail.

I. GENERAL CONSIDERATIONS

A. Sources

Officers should make use of the contacts established by their predecessors, and the knowledge and expertise of their colleagues in the mission. Trade commissioners will have good contacts within the local business community and among Canadian businesspeople. They may offer a unique perspective on economic management, social programmes, or the cost of doing business (e.g. corruption and probity). CIDA personnel maintain contacts with aid workers in the field and within academic circles. They can offer valuable insights on the human rights situation in your country of responsibility and are increasingly involved in projects with a significant civil and political rights and/or democratisation component. Canadian immigration officers are often in direct contact with police and intelligence services. They also interview hundreds of applicants annually. Finally, mission officers performing consular work may also have the "inside story" on prison conditions.

Officers are encouraged to make efforts in seeking out sources they might not normally meet while fulfilling their diplomatic duties. They should include a "human rights reporting" mandate in their travels to other regions or countries under their responsibility and contact sources outside the capital area (e.g. regional capitals and officials, local universities).

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It may be more difficult to gather information on the human rights situation in countries where you are accredited, but where there is no Canadian presence. One of the most reliable sources of information are Canadian aid workers, who often appreciate Canada-based mission personnel visits. These aid workers are often willing to help set up meetings with potential sources of information.

When meeting contacts to discuss human rights concerns, officers are encouraged to emphasize the confidentiality of the discussions.

Officers will find below a list of suggested sources they can draw upon to gather information. The list is by no means exhaustive. Officers should remember that the more the information is cross-referenced, the better.

Local sources

- Private citizens and their families and associates claiming violations of their rights;
- Human rights activists;
- Politicians and government officials;
- Members of the official and unofficial political opposition;
- National human rights institutions and ombuds;
- Electoral commissions;
- Congressional or parliamentary librarians (may exchange local legislative and constitutional texts for equivalent Canadian material);
- Military sources, police and prison officials;
- Judges and lawyers, bar associations;
- The media and members of the press;
- Academics and members of student organizations, writers and artists;
- Research institutes and other think-tanks;
- Medical associations;
- Members of local NGOs that have a human rights interest (women's groups, ethnic associations, community organizations, trade unions, peasants' associations);
- Members of the local clergy and church organizations;
- Honourary Consuls.

Foreign sources

- Like-minded diplomats;
- CIDA consultants and personnel in the field;
- Canadian and other journalists;
- Members of Canadian and other foreign NGOs working in the country (especially those with ground-level contacts);
- Members of foreign missionary societies;
- Representatives of the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies (Officers should be aware that ICRC representatives very often operate under strict rules of confidentiality in order to gain access to political prisoners or territories otherwise inaccessible);

- Representatives of UN organizations in the country (UNDP, UNICEF, WHO, WFP, etc.).

Officers can also consult the following sources from outside the country, as appropriate: refugees, organizations of expatriates, regional organizations with human rights concerns and regional or international NGOs with experience in the country concerned (e.g. Human Rights Watch, Amnesty International).

Printed sources

Geographic divisions often forward to posts relevant human rights material obtained in Ottawa from a variety of sources such as NGOs and the UN. This material should not substitute for the officers' own contacts, conclusions and experiences, and the actual human rights situation at the time of their report, but can be used as reality checks.

Every February, the U.S. State Department publishes detailed reports on human rights practices in virtually every country. The reports focus mainly on civil and political rights.

Amnesty International publishes an annual report which consists of a detailed summary of human rights violations and achievements around the world. It also publishes a monthly *Amnesty International Newsletter* and regular thematic reports (e.g. torture, disappearances, death penalty) encompassing many countries, as well as ad hoc reports on human rights abuses in individual countries. It also issues "urgent appeal" bulletins on specific cases of human rights violations.

Another NGO with international coverage, Human Rights Watch, based in New York, and its regional committees (e.g. Asia Watch, Africa Watch, Latin America Watch) also publishes regular reports on the human rights situations in specific countries in close collaboration with local human rights NGOs.

Printed sources to complement the officer's own sources and information on the state of economic, social and cultural rights could include publications by various UN agencies, such as the UNDP's annual *Human Development Report*, or the annual UNICEF report on the *State of the World's Children*. Apart from publishing its annual *World Development Report*, the World Bank regularly publishes briefs and reports on the economic and social situation of countries with Bank programmes.

In conclusion, evidence accumulated from all sources will serve to indicate trends and patterns on the state of human rights, democratic development and good governance in a given country.

B. What to look for

Reporting officers should use the following indicators when examining the rights described below:

- the **nature** of the violations: which rights are most subject to violations
- the **severity**: are the violations gross, glaring, flagrant?
- the **frequency**: are the violations occasional, frequent, persistent?
- the **range**: are the violations systematic, pervasive, affecting people throughout society? Are they isolated, affecting a small number of individuals, or are they directed at particular groups within society?

Officers should also mention **trends**. Are violations becoming more or less severe, frequent, pervasive? The role of **government and opposition groups** should also be scrutinized. Have they openly committed, condoned or secretly ordered human rights violations? Do they deal effectively with violations when they occur? Do they lack the will and/or the ability to stop human rights abuses? To what extent are human rights abuses investigated? To what extent are human rights abusers brought to justice and punished?

II. THE STRUCTURE OF THE REPORT

Outlined below is the structure to be used in drafting the annual reports on human rights, democratic development and good governance. As mentioned in the introduction to the present guide, all reports should have a common format for purposes of comparison and analysis.

The report to be drafted should be comprised of three sections. The first section, entitled **Overview/Summary** will be of particular value in meeting frequent requirements for concise briefing material for Ministers and senior management at headquarters. It consists of seven points (listed below) and should be drafted in approximately one or two pages.

A. OVERVIEW/SUMMARY

1. Legal and institutional context

In this section, reporting officers are asked to briefly describe the legal and institutional context for enshrinement, promotion and protection of democratic and human rights principles. Officers should consider the following points:

- What are the constitutional guarantees for the protection of human rights and democratic principles? (Constitution and laws are an important guide to principles of governance and human rights although they are not always adhered to.)
- Is the judiciary independent, free from corruption and government interference?
- Are there any national human rights commissions? (Are they independent, do they have powers to investigate and order remedy for human rights abuses?)

2. Realities of government and power structure

Officers are asked to provide a brief description of the following points:

- What is the nature and extent of genuine democratic rule?
- Is there an accountable exercise of power?
- What is the degree of probity or corruption in government?
- What is the role of the military? Can government and administrations carry out their activities independent of the military? Is there civilian control and management in military-related affairs, budgetary and appropriation matters?
- What is the role of opposition groups in perpetrating human rights abuses?
- Are there any effective non-governmental voices in society?
- Evaluate the relative priority attached to the economic and social well-being of citizens, such as commitment to social programs, nuclear non-proliferation, responsible levels of military expenditures and responsible economic management.¹

3. Declared commitment of government to human rights and democratic principles

Officers should briefly cover any statement of policy and intent regarding the promotion of human rights and democratic principles.

4. Actual government performance and effective enjoyment of human rights by citizenry

Officers are asked to provide an overall assessment of basic trends and key developments relating to the categories of rights outlined in Part II of the report, which are outlined below, particularly during the period under review. In this sub-section, there is obviously a need to look beyond statements of policy or intent and actually look at what a government has done to promote and protect human rights.

5. Areas requiring improvement/attention and prospects for advances in future

Information provided in this sub-section should be useful in providing areas for Canadian government action and CIDA programming.

6. Relevant international treaty commitments, commitment to cooperate with international human rights mechanisms

Officers are asked to provide in this sub-section any indication of the international community's concern about the human rights situation in their country of responsibility. Officers should mention the existence of resolutions by international and regional bodies (the

¹ If any of these elements of the government's commitment to "good governance" has major bearing on the overall situation or on Canadian interests, cross-reference should be made as appropriate to any relevant separate reporting on these issues.

UN Commission on Human Rights, the UN General Assembly, the Security Council, the OAS or the OSCE) addressing the human rights situation of the country at issue, and the government's willingness to cooperate with international or regional human rights mechanisms, such as UN Special Rapporteurs, the UN High Commissioner for Human Rights, UN Committees on political and civil rights, and on economic, social and cultural rights (please refer to this manual's sections on international and regional human rights mechanisms).

7. Implications for Canadian foreign policy interests

Officers should highlight the implications of the country's human rights and democratic development situation on stability in the region, and on Canadian foreign policy interests, including specific bilateral activities, such as development assistance.

B. STATE OF INTERNATIONALLY RECOGNIZED RIGHTS AND FREEDOMS

The second part of the report is divided into three sub-sections: 1) **Civil and political rights**; 2) **Economic, social and cultural rights**; and 3) **Equality and discrimination**. Canada considers that the Universal Declaration of Human Rights (UDHR) represents the obligations of all States under customary international law. In 1993, the 171 governments gathered at the World Conference on Human Rights reaffirmed the principles of the UDHR and declared that "...it is the duty of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms". In cases where a State is party to specific human rights treaties such as UN conventions which target particular human rights abuses (slavery, torture, discrimination against women), the protection of vulnerable groups (children, refugees, migrants, workers's), or are party to regional organizations (OSCE, OAU), its obligations may be more elaborate. Officers should provide one paragraph on each item.

1. Civil and political rights

The three criteria to be used in examining the situation of civil and political rights in a given country are a) **the physical integrity and security of the person**, b) **the rule of law and due process**, and c) **political and democratic rights and freedoms**. Officers should highlight direct or indirect impediments to the enjoyment of civil and political rights in the country under study. Officers should endeavour to limit their reporting on each item to one paragraph, although specific and quantitative information, where available, is welcome.

a. Physical integrity and security of the person (UDHR Art. 3, 4, 5, 9, 13 and 15)

- **Extrajudicial executions:** Killings in which there is a likelihood of political motivation instigated by the government or by opposition groups, deaths in official custody resulting from unnatural causes or suspicious circumstances, and deliberate

use of illegal lethal force against suspected criminal elements should be included in this sub-section;

- **Forced disappearances;**
- **Torture:** Examine the use of torture and inhuman and degrading treatment at the instigation of the government or opposition groups, where applicable. Officers should also provide a general description of prison conditions;
- **Slavery and servitude:** Highlight any instances of bonded, forced or compulsory labour, (e.g. work exacted from an individual under the menace of penalty and for which the individual has not volunteered). Officers can also highlight any instances of forced labour being used for purposes of racial, social, national or religious discrimination, political coercion or education, or as punishment for holding views that are opposed to the established political, social, or economic system.
- **Arbitrary arrest, detention, exile:** Are detainees, including those for political reasons, held in official custody without charges? Are members of groups opposing government subject to external or internal exile?
- **Restrictions on the freedom of movement;**
- **Internal conflict:** In cases of significant internal conflict, reporting officers are asked to describe whether there are violations of international human rights law or humanitarian law: Are deliveries of food, medical supplies and other humanitarian aid withheld or used as a weapon? Are there any abuses perpetrated against civilians?

b. Rule of law and due process (UDHR Art. 7, 8, 10 and 11)

The rule of law consists of many factors: e.g. a predictable legal environment with an objective, reliable and independent judiciary; the exercise of government powers in accordance with the law; an independent court system with full constitutional rights to investigate and supervise the exercise of executive and administrative powers. **Equality before the law** implies equal opportunity for all to seek redress in the courts and equality of treatment regardless of social, ethnic, economic or other status.

In this section, officers should point out **deficiencies** in the legal system, such as lack of predictability, delays in handling court cases, and lack of enforcement of court decisions. Also, are cases dealt with expeditiously and at reasonable cost to the plaintiff? **Are citizens equal before the law? Do they receive equal protection from the law?** Identify any political, social or economic barriers to full equality before the law. Are citizens guaranteed due process, including the right to a fair hearing and the presumption of innocence?

Officers can also examine whether the judiciary is independent, free from political interference and corruption. Can it order effective remedies against human rights violations? Are trials fair and public, and are international observers allowed to attend?

c. Political and Democratic Rights and Freedoms (UDHR Art. 18, 19, 20 and 21)

Officers are first asked to briefly describe the ability of individuals and groups to exercise the following rights and freedoms:

- **freedom of opinion,**
- **freedom of religion** (could include the treatment of foreign clergy, the freedom to publish religious documents in foreign languages),
- **freedom of expression** (could include academic freedom),
- **freedom of association,**
- **the right to peaceful assembly** (Are permits needed? Is excessive force deliberately used to repress demonstrations and political rallies?),
- **freedom of political choice** (evaluate the extent to which citizens can change the laws and individuals that govern them through periodic, genuine, free and fair referenda and elections).

Officers should then evaluate the extent of civil society in the country under review (the functioning of NGOs in a given country is an excellent indicator of the extent of democratic development in a given society). Outlined below are a series of questions which may assist in this evaluation:

- Can groups, communities, civil associations, professional and interest organizations negotiate with institutions and bureaucracies to influence public policy and provide checks on the powers of government?
- Are human rights NGOs silenced? Do they function freely or are they subject to reprisals? Can they associate with foreign NGOs? Does the government cooperate with international human rights NGOs?
- Is there an independent media capable of giving voice to popular concerns and influencing public policy? Is there censorship of the press? Are there any restrictions on the activities of journalists? Are journalists subjected to harassment, death threats, reprisals, libel or criminal suits by the authorities? Are foreign publications allowed in the country?

2. Economic, social and cultural rights (UDHR Art. 22, 23, 24, 25, 26 and 27)

Economic, social and cultural rights are defined in terms of an individual's entitlement to the "realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his [sic] dignity and the free development of the personality". The International Covenant on Economic, Social and Cultural Rights specifies the obligation of States parties "to take steps, individually and through international assistance and cooperation, ... to the maximum of its available resources, with a view to achieving progressively the full realization of these rights". Assessments in this sub-section of the report thus address a central element of the concept of "good governance".

a. Right to an adequate standard of living

Officers are asked to evaluate the following rights:

- **The right to adequate food:** To what extent has this right been realized in the country under review? Are there any nutritional surveys from which to cite statistics? What is the situation of vulnerable groups with regard to the right to adequate food? Have there been any changes in policies, laws and practices adversely affected the affordability and access to adequate food? Are there any government policies that hinder food production and distribution, such as forced collectivisation or conversely, the introduction of a free market in property without adequate protection for dispossessed rural sectors? Is there a deliberate withholding of food from a significant sector of the population? Is there a denial of access to land to a significant portion of the population who were using it to grow food?
- **The right to adequate housing:** Officers should remember that the right to adequate housing should not be interpreted in a restrictive sense which equates it with the right to have a roof over one's head. It should rather be seen as the right to live in peace, security and dignity. It is thus inextricably linked to the enjoyment of other human rights. Officers could indicate whether there are groups that are vulnerable or disadvantaged with regard to the right to adequate housing. Is housing accessible, affordable, habitable and conveniently located near schools and other services? Do all groups have access to basic amenities such as water, heating (if necessary), waste disposal, sanitation facilities, electricity? Are there any laws negatively or positively affecting the right to adequate housing?
- **The right to health care and social security:** Officers are asked to provide statistics and indicators such as: the percentage of GNP and national budgets allocated to social security (i.e. health care, old-age benefits, unemployment, family benefits, etc.) relative to military expenditures; infant mortality rate and life expectancy disaggregated by sex; the extent of coverage provided (i.e. are there any groups which do not enjoy social security at all or to a lesser degree than the majority of the population?) What policy measures has the government taken, considering available resources, to implement the right to social security for all citizens? Are there any "safety nets" to protect the most vulnerable members of society e.g. women, children, the aged, the disabled.

b. Right to work, just and favourable conditions (UDHR Art. 23 and 24)

In this sub-section, officers could provide a few statistics on the situation, level and trends of employment, unemployment and underemployment in the country under review. The following could also be examined:

- Are there policies and programmes aimed at ensuring that there is work for all those who are available for and seeking work?
- Is there freedom of choice of employment?

- Do conditions of employment infringe upon an individual's political freedoms?
- Are there any initiatives or programmes to eliminate **discrimination** in employment on the basis of sex, race, ethnic origin, religion, social origin, political affiliation or nationality?
- **Safe and healthy working conditions:** Are there any legal provisions that prescribe minimum conditions of occupational health and safety? Are they enforced?
- Are there any special conditions regulating the employment of children? Are they enforced?
- **Equal pay for equal work:** Is there any inequality in remuneration for work of equal value? Are steps taken to eliminate such discrimination?
- **The right to form and join independent trade unions and to bargain collectively:** identify any restrictions on the right to form or join trade unions. What conditions or limitations are placed upon the right of trade unions to function freely? To affiliate and associate with international unions? Can workers exercise their right to strike? Does the government impede upon the right to bargain collectively?

c. **The right to education (UDHR Art. 26)**

Officers should provide statistics on the percentage of GNP and national budget allocated to education, literacy and graduating rates disaggregated by sex. The following issues could also be explored briefly: Is primary education compulsory and available free to all? Is secondary education, including technical and vocational secondary education, generally available and accessible to all? To what extent is secondary education free of charge? To what extent is access to higher education realized? Are there any measures taken to promote literacy? Are there any disadvantaged or vulnerable groups (young girls, rural children, members of ethnic, religious, linguistic or other minorities, physically or mentally handicapped) being denied their right to education?

d. **The right to participate in the cultural life of the community (UDHR Art. 27)**

Officers could examine whether funds are allocated for the promotion of cultural development and popular participation in cultural life, whether there is promotion of the awareness of the cultural heritage of national ethnic groups and minorities (including indigenous peoples), whether there is promotion of cultural identity as a factor of mutual appreciation among individuals and groups. Does the media have a role in promoting participation in cultural life and awareness of the cultural heritage of minorities and ethnic groups?

3. **Equality and discrimination**

The World Conference on Human Rights underscored the responsibility of the international community to pay specific attention to the rights of women, indigenous people and a range of vulnerable groups including children, refugees and disabled persons. Canada has played an active role in drafting instruments which support principles set out in the

UDHR such as the International Convention on the Elimination of all Forms of Discrimination Against Women, the Declaration on the Elimination of Violence Against Women and the Convention on the Rights of the Child.

a. Freedom from discrimination

Officers should address in this sub-section abuses and discrimination **not discussed elsewhere in the report** (The treatment of women, indigenous peoples, children and the disabled should be discussed in the sub-sections which follow). The extent of discrimination based on distinction of any kind, such as race, colour, ethnic or national origin, sex, language, political or other opinion, property, birth, social status, sexual orientation, HIV status, should be examined. Also, officers should examine the role of the government: What efforts are being made to counter discrimination? Are there any laws banning discrimination? Are they enforced? Conversely, are any laws considered discriminatory? Has the government implemented policies, programmes or other initiatives to counter discrimination based on the above-mentioned criteria?

b. Respect for minorities, treatment of indigenous people

Officers should discuss treatment of ethnic, racial or linguistic minorities, including indigenous populations and nomadic pastoralists. Are they subject to ethnic or cultural marginalisation.

c. Women's rights

Officers should examine the extent of discrimination against women. Do women enjoy freedom from discrimination in terms of political and civil (voting) rights, reproductive rights, property rights, employment, housing, education, marriage and divorce laws? What is the incidence of violence against women in the public and private spheres? Are women's human rights denied by local cultural attitudes and customary laws (provide an indication of the social and cultural context)? Do women have access to means of production? Do they receive the lowest wages? Are they the least educated? Is there the political will to expand opportunities for women and the girl child? Gauge the extent of governmental tolerance of societal violence and other abuses against women (wife beating, dowry deaths, female mutilation).

d. Children's rights

Examine the extent of sexual exploitation, child labour, education opportunities, the use of children in armed conflicts (if applicable). Highlight any initiatives, policies or legislation to protect the rights of the child. Is legislation enforced? The government's commitment to the protection and welfare of children should be discussed. Indicate if issues of education and child labour have been discussed in previous sections of the report.

e. Rights of persons with disabilities

Discuss the government's commitment to improving the rights of the disabled, such as legislation on provision of access to public facilities, public awareness campaigns, special education, etc.

C. CANADIAN REPRESENTATIONS/INTERVENTIONS

In this third section of the report, reporting officers are asked to provide a brief summary (one page in total) of representations and demarches made over the past year on human rights (e.g. support for human rights NGOs, human rights training, assistance and observers for elections). Officers should also provide ideas and suggestions for areas where Canada could provide further assistance in the field of human rights, democratic development and good governance.

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