



Making the Global Local:

Applying Global Agreements to Local Enforcement of Human Rights Laws

A stylized, dark blue silhouette of the rest of the world's continents, positioned below the title and author information.

By Columbus Igboanusi
Edited by Liam Mahony

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Disclaimer

The views expressed in this report do not necessarily reflect those of the New Tactics in Human Rights Project. The project does not advocate specific tactics or policies.

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February 2003

Dear Friend,

Welcome to the New Tactics in Human Rights Tactical Notebook Series! In each notebook a human rights practitioner describes a tactical innovation that was used successfully in advancing human rights. The authors are part of the broad and diverse human rights movement including educators, librarians, health care workers, law enforcement personnel and women's rights advocates. They have developed tactics that have contributed to human rights in their home countries. In addition, they have utilized tactics that when adapted can be applied in other countries and other situations to address a variety of issues.

Each notebook contains detailed information on *how* the author and his or her organization achieved what they did. We want to inspire human rights practitioners to think *tactically* – to reflect on the tactics they have chosen to implement their larger strategy – and to broaden the realm of tactics considered to effectively advance human rights.

In this notebook, we learn about a monitoring tactic used to help bridge the gap between the locus of abuse and policies, laws and treaties that have been created to prevent or stop a violation. Often the discussion of these abuses and the laws or policies to prevent them exists only in high-level political and diplomatic forums. The League of Human Rights Advocates in Slovakia recruits people from the disenfranchised population – in this case the Roma – to serve as human rights monitors. The monitors learn, often for the first time, about their own rights under national and international law. The LHRA and the monitors then work to enforce those rights – signed into existence in far-off capitals – in their own town halls, police stations, schools and communities. The information from local monitors is used to present the “on the ground” impact of national and international laws in the country. The work done in Slovakia may provide each of us with tactical ideas to address similar gaps in our communities and countries.

The entire Tactical Notebook Series is available online at www.newtactics.org. Additional notebooks will continue to be added over time. On our Web site you will also find other tools including a searchable database of tactics, a discussion forum for human rights practitioners and information about our workshops and symposium. To subscribe to the New Tactics e-newsletter, please send an e-mail to newtactics@cvt.org.

The New Tactics in Human Rights Project is an international initiative led by a diverse group of organizations and practitioners from around the world. The project is coordinated by the Center for Victims of Torture (CVT) and grew out of our experiences as a creator of new tactics and as a treatment center that also advocates for the protection of human rights from a unique position – one of healing and reclaiming civic leadership.

We hope that you will find these notebooks informational and thought provoking.

Sincerely,

A handwritten signature in cursive script that reads "Kate Kelsch".

Kate Kelsch
New Tactics Project Manager

Columbus Igboanusi

Dr. Columbus I.K. Igboanusi is a practitioner and trainer in the field of international law, a researcher and a human rights activist. Educated in Lagos, Moscow and Bratislava, he holds a bachelor of arts honors degree in the Russian and French languages, a master's in international law and diplomacy and doctorate in public international law. He is fluent in English, Russian, Slovak, French, Ibo, Hausa and Yoruba. He is a founding member and executive director of the League of Human Rights Advocates in Bratislava, Slovakia, and the regional representative of the International Club for Peace Research's (ICPR) Eastern and Central European branch. He also represents the ICPR at the United Nations offices in Vienna and Geneva.

The League of Human Rights Advocates

The objectives of the League of Human Rights Advocates (LHRA) include monitoring and reporting on the human rights situation in Slovakia; providing legal defense, protection and assistance to victims of human rights abuse; and providing human rights education and advocacy. The LHRA registered as a nongovernmental, nonprofit, charitable organization under the laws of the Slovak Republic in 1999.

The LHRA advocates multiculturalism and the democratic transformation of society through workshops, seminars, conferences and public meetings against racism, racial discrimination, xenophobia and anti-Semitism. It tracks relevant government legislation and policies in order to be in a position to influence them through objective criticism as well as by lobbying the appropriate parties.

The mandate of the League of Human Rights Advocates includes the provision of the following:

Effective free legal representation to victims of human rights abuse, indigent detainees and those whose rights are prone to violation (particularly the Roma population, migrants, women, children, asylum seekers) at the national administrative level, in domestic courts of law and in front of intergovernmental human rights institutions; fact-finding missions and monitoring of human rights violations and the implementation of international human rights standards at the domestic level by government institutions and authorities; and, human rights education and advocacy, including the training of lawyers, judges, prosecutors, journalists, human rights activists and others on how to use and apply international instruments and monitor their implementation on a local level.

In addition to providing legal counseling to victims of human rights abuse, the LHRA also empowers, mobilizes and sensitizes local activists, particularly within the Roma population and other national minorities, to identify human rights violations, using both international and domestic legal instruments.

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Introduction

This notebook describes the creation and functioning of a systematic volunteer network of human rights monitors in Slovakia maintained by the League of Human Rights Advocates (LHRA). The LHRA believes that its grassroots monitoring of local compliance with international human rights commitments assists and encourages the state and its apparatus to live up to its international obligations. The LHRA's investigatory work, public education

efforts and high-level contacts with international human rights NGOs also enable it to put considerable pressure on the Slovak government.

The LHRA's volunteer monitors thus help achieve justice for local Roma people and others suffering human rights abuses. In addition, since LHRA monitors are themselves Roma activists living in Roma communities, the LHRA training process empowers them and their communities to understand and stand up for their rights.

The Monitors at Work

On one hot summer Saturday night, Mr. Conka Lakatos¹ and three friends – Marcel Dirda, Jan Polak and Andrei Olah, who are all Slovak citizens of Roma (Gypsy) origin – decided to enjoy a night out at a nightclub called SAS in Michalovce in eastern Slovakia. When they got to the club they asked for tickets, but the fierce-looking bouncers at the gate came right up to them and ordered them to leave the premises. "Von, cigani! Von!" they barked, meaning "Out, Gypsy! Out! You are not allowed here! Gypsies are not allowed here and are not served in this club."

Before Mr. Lakatos and his friends could ask why, the bouncers began to push them roughly and in a split second they were hauled out of the club. To avoid further humiliation, disgrace and embarrassment, the men quickly but quietly left the place in shame. A few minutes later, a group of young men between 19 and 25 years old rushed out of the club, chased them and caught them just a few meters away, where they beat them with baseball bats, cudgels and iron bars. The men were beaten very severely and suffered such serious injuries that one of them was hospitalized for three weeks. Nevertheless, Mr. Lakatos and his friends refused to report the incident to the police because they were afraid of retribution from the prominent and wealthy club owner.

Mr. Milan Danis, the local LHRA monitor and a member of the Roma community in the district of Michalovce, learned about the incident the following day. He visited the victims at the hospital, took their statements and took pictures of their injuries, sending a report to LHRA headquarters that same day. He was instructed to reassure the victims that if they reported the incident to the police they would not be punished. When he had assured them of fair treatment by the police, Mr. Danis went with one of the victims to file a complaint. A few weeks later the monitor persuaded all the victims to allow the League of Human Rights Advocates attorneys to represent them in the pre-trial investigation and prosecution of the case. The LHRA lawyers filed a lawsuit with the state attorney general's office, who ordered an investigation into the incident. The suspects have since been arrested and are being held in police custody under pre-trial detention.

As this example suggests, the LHRA's monitoring network can act as a bridge between state institutions and marginalized citizens, encouraging respect for human rights and fundamental freedoms. The monitors' work and the LHRA's legal follow-through remind the state of its lapses and at the same time protect the rights of citizens. The tactic is effective, inexpensive and relatively easy to apply because it is rooted in volunteerism and targets local authorities and communities. It also helps local authorities understand and apply international human rights law on the local level.

¹ All names have been changed.

Origins of the LHRA

Columbus Igboanusi, executive director of the LHRA, moved to Slovakia from Nigeria in 1994 to study law. "I didn't understand racism then. I hadn't experienced it in my country," Columbus said – until one day he was severely beaten up by skinheads and hospitalized for five days. "No one came to stop them," he said.

After this experience, he started to hear similar stories from other African students. He formed an organization of African students against racism and began to learn about the prejudices, discrimination and attacks against the Roma population. "Something had to be done," Igboanusi decided.

Igboanusi knew that any international treaty signed and ratified by the Slovak Republic became law in the country, overriding local law. He knew that many such laws deal with human rights issues and decided that he would monitor the application of these policies at the local level. To achieve this, he formed the LHRA.

During this period, the United Nations High Commissioner for Refugees (UNHCR) staff in Slovakia was supportive of the organization of African students in the struggle against racial discrimination and abuse. They invited Igboanusi to participate in a conflict resolution mission between the Roma and non-Roma inhabitants in some parts of eastern Slovakia.

"During the mission, I was astonished by what I saw," Igboanusi says. "Their situation was appalling. The majority live in isolated

settlements in thatched huts, without drinkable water or electricity. The unemployment rate is high and racially motivated physical violence and murder by neo-nazi skinheads was, and is, rampant. In fact, [the Roma] live in squalor, disease and abject poverty. The non-Roma are in constant conflict with the Roma without attracting adequate response from the state authorities to solve the situation.

"As a student of international law, I saw the whole situation as a gross violation of the rights of minorities demanding a more adequate response than 'conflict resolution.' I thought it necessary to monitor and document human rights abuse and then use the results and statistics to challenge the state and its institutions."

The LHRA, a nongovernmental, nonprofit, public interest law organization founded in January 1999 and registered under the laws of Slovak Republic, filled a vacuum. Previously there had been no well-articulated and comprehensive system for monitoring human rights violations in Slovakia or for providing legal representation to victims of abuses who are often minorities, refugees, children and women. The LHRA took on this challenge nationwide, and reports its findings both nationally and internationally.

"Our dream is to contribute in no small measure to the realization of the inherent dignity, and the equal and inalienable rights of all members of human family, to freedom, justice and peace in the world," Igboanusi says of the LHRA.

Strategic Context

Discrimination and Human Rights Abuse in Slovakia

With the collapse of the communist regimes in Eastern and Central Europe came social upheaval, political uncertainty and economic hardship – a fertile breeding ground for nationalist tendencies. The new state of

Slovakia (which split from the Czech Republic in 1993) saw a rise in racial and ethnic discrimination throughout the 1990s. Extreme right-wing nationalists and neo-nazi and fascist ideologies emerged preaching ethnic purity, national identity and preferences for "people of pure Slovak origin." Intolerance and discrimination became systematic and were reflected in open physical violence.

The Roma population continues to face social and political exclusion; discrimination in education, housing and employment; and denial of justice in the courts (with the result that Roma constitute more than 80 percent of prison inmates). The majority population is increasingly intolerant and Roma are the victims of hate crimes (including murder), racially-motivated physical attacks by neo-nazi skinhead groups and police brutality.

Opportunity: The Legal Framework

The constitution of the Slovak Republic gives priority over the domestic laws to international human rights treaties ratified and promulgated into law by parliament. This provides a sound legal basis for the LHRA's work as it allows for direct application of international human rights treaties in deciding cases before domestic courts and administrative institutions.

It is interesting to note that Slovak authorities adopted multiple international human rights treaties in order to meet the requirements for acceptance into intergovernmental institutions such as the Council of Europe, NATO, the European Union, etc., rather than out of a commitment to the moral obligations contained in them.

Nevertheless, the Slovak government sometimes adopts policies to implement these treaties at the local level. In November 1999, with resolution 821/1999, the parliament adopted a strategy for solving the problems of the republic's Roma minority.

In 2000-2003, the government adopted national policies entitled "Action plan for the elimination of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance." These policies aim to realize the nation's international human rights obligations and commitments. On the other hand, these policies have also become a foreign policy instrument at the intergovernmental level (e.g. in dealing with the OSCE, the U.N., the EU, etc.). The intention of these policies is to prove to the international community that the government is fulfilling its international human rights obligations.

Does the ordinary person on the street or the target group of these policies feel their impact?

Are the authorities really implementing the policies the way they are designed on paper? That is what a network of local monitors can determine.

Goals of the Network

The LHRA seeks to guarantee that the government is keeping its promises, and that ordinary people are enjoying those benefits by taking advantage of an ostensibly promising legal framework while still recognizing that discrimination and abuse are deeply ingrained in the society and in government practices.

By developing this monitoring network and advocacy organization, the LHRA hopes to assist the state to observe democratic principles, human rights, fundamental freedoms and the rule of law in the Slovak Republic by encouraging it to undertake the following steps:

- Promote comprehensive anti-discrimination legislation that will combat direct and indirect discrimination in the public and private sectors at all levels;
- Promote the establishment of transparent judicial and administrative procedures that would implement anti-discrimination legislation. This would enable NGOs or associations to seek remedies on behalf of victims of human rights abuse;
- Ensure broad participation of minorities, especially the Roma, and their NGOs in the delivery of social services and in central and local administration;
- Take steps to prohibit racial segregation in schools and health care facilities. Take necessary steps to investigate and punish all cases of racial segregation in schools and health care services, and impose effective and dissuasive sanctions on the persons and institutions engaged in such discrimination;
- Prevent and eradicate housing segregation using active desegregation policies that involve and respect the identity and the will of Roma communities, and
- Build confidence among the Roma minority while assisting and encouraging them to

freely integrate into the mainstream and occupy their rightful position in society. This

would also reduce migration to other parts of Europe, the United States and Canada.

How the Tactic Works

The monitoring network is divided into eight regions based on Slovakia's regions. Regional coordinators, in cooperation with LHRA headquarters, recruit and train monitors, all of whom serve on a voluntary basis. Although the number of monitors at any given time fluctuates, it hovers around 48 (six per district). As far as is practical, decision-making powers are decentralized. Local and regional monitors work with local authorities to solve problems, bringing in LHRA headquarters (located in the capital, Bratislava) when a serious violation has occurred or when local authorities will not cooperate.

Although the focus of this notebook is the voluntary network of monitors, it must be understood within the context of the overall work of the LHRA. The monitors in each region discover, investigate and report on violations of or failures to implement the law, and offer direct support to victims. The LHRA headquarters provides legal representation, participates in the investigation of human rights violations and negotiates with local or central authorities on major human rights issues.

Headquarters staff conducts fact-finding missions on the implementation of international human rights law in some selected regions and districts based on the information received from the local monitors. Before doing so, the LHRA sends an advance letter to inform the relevant authorities of what they intend to look for during the monitoring – for example, the implementation of resolution 821/99, the government's strategy for the solving of the problem of the Roma minority.

The monitoring may address a number of different issues, including, (a) the participation of Roma in the political process, (b) the unemployment rate among the Roma,

(c) living conditions, (d) education levels, (e) health care facilities, (f) occurrences of racially motivated physical violence against the Roma, and (g) access to social amenities and facilities. (See appendix A: Format for Reporting on Fact-finding or monitoring). The LHRA synthesizes all the monitors' work into regular national reports as well as special publications and submissions for relevant occasions or meetings. It has, for instance, submitted testimony to the United Nations Committee on the Rights of the Child and presented its work at plenary sessions of the OSCE Human Dimension Commitment meeting.² It also publishes its own periodical, the *Human Rights Reporter*.

This work brings me in closer contact with the various leaders of government offices in my district and the people at the grassroots. I am happy to see that the authorities listen to me and cooperate in solving the problems of housing, indentured servitude, racially motivated physical violence etc. This is my happiness. Financial benefit to me is in fact secondary.

Bela Kokenyi, head monitor in the district of Rimavska Sobota

Selection and Preparation of Monitors

The LHRA wanted to blanket the entire republic with monitors, so it initially sought out eight coordinators – one for each of the republic's regions. Each regional coordinator is authorized to appoint six subcoordinators or monitors. In the beginning monitors were found through word-of-mouth, based on the reputation the LHRA had already established for defending Roma people in the courts. Now, as the work of the LHRA has attracted

² Warsaw, October 17-27, 2000

media attention, many people continue to step forward to volunteer.

There are no explicit academic qualifications for the monitors. However, the ability to read and write well is absolutely necessary.

The LHRA also recruits specifically from within the target group (the Roma) who have at one time or another been victims of human rights abuse and can thus legitimately speak for his or her immediate community. The monitor must have the courage to speak on behalf of the Roma people and negotiate with local authorities. Age, sex, political affiliation, religion and other conditions are not taken into consideration. By choosing monitors in this way, the LHRA is also helping to empower, mobilize and sensitize the activists from the Roma community and arm them with tools for identifying human rights violations, using both international and domestic legal instruments.

Why Become a Monitor?

This work is worth doing as a volunteer since its effect on our society is so great. I believe it is my own contribution to the development of my country and society. Moreover, I enjoy seeing that those I have helped while doing this work are happy.
Joseph Berky, head monitor in the district of Revuca

All coordinators and monitors are volunteers. However, the LHRA does offer some monetary motivation: each local monitor who submits a verifiable report of human rights abuse to LHRA headquarters is entitled to 800 Slovak crowns (about \$20). A verifiable report is one that accurately depicts violations of rights and can be independently confirmed. Initially, the LHRA did not offer any compensation but ended up losing some qualified monitors who could not afford to expend their own time and, sometimes, financial resources (e.g. to cover transportation costs) without compensation.

In addition to this token financial reward, monitors gain a certain status by representing their communities directly before the authorities. Thus, many people are eager and

willing to be appointed local monitors, while some who served as monitors one year lobby for the position again in following year.

The experience they gain can also help monitors develop new skills. Kamil Potocek, the LHRA representative in the district of Kosice, says, "I believe the experience I will gain while doing this job as a volunteer will help me to secure a well-paid job in the future."

Ensuring Security and Legitimacy for Local Monitors

Monitors uncover sensitive information that is of concern to the state and to private citizens and therefore face direct security risks including false criminal charges, detention and imprisonment, blackmail, torture, death threats and even physical harm. Noncitizens doing this work can be expelled. The LHRA takes specific steps to mitigate these risks, including issuing identity cards to monitors and providing them with formal letters of introduction to local authorities.

Accrediting Monitors With Local Authorities

In order to protect monitors and to give credibility to their work, we arrange to introduce them to the local authorities where they will operate before they begin their work. The local authorities include:

- The regional, district and local police authorities;
- The regional, district and local administrative government authorities;
- Mayors and community leaders.

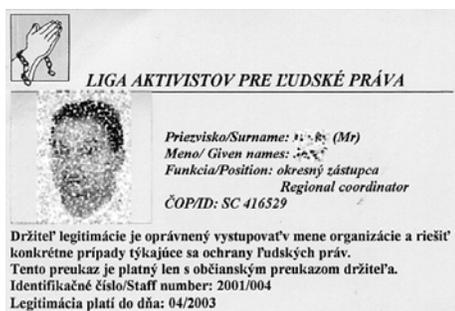
Each of these authorities is informed of the presence of the local monitor in the area through a letter of introduction from the LHRA.³ The letter defines the duties of the monitor or coordinator and requests that the authorities cooperate with and assist him or her in carrying out these duties. The LHRA usually invites local authorities to contact its headquarters with questions about the activities of the local representative.

³ See example in the Appendix.

Sometimes these letters of introduction are received positively, sometimes the authorities will claim that the monitor is unsuitable for the position. In the end, almost all of them welcome the monitors and their visits – most likely because the press is also invited to participate in these visits.

Identity Cards

Each local monitor is also issued a formal LHRA identity card to present to authorities. The card bears the monitor's photograph, name, date of birth, designated duties and period of service – one year. The identity card is normally signed and stamped by the executive director of the LHRA.



Sample ID card issued by the LHRA

Training the Monitors

LHRA headquarters manages and finances the training of new monitors. Central staff, usually the executive director, trains the regional coordinator who in turn selects and trains the district monitors. Most training takes place at LHRA headquarters in Bratislava. Meetings are held for all monitors twice a year and headquarters' staff visits each region about once every two months (more often as needed).

The local monitors are not professional lawyers and in most cases do not even have basic legal experience. The training is designed to enable them to understand the international human rights instruments relevant to the most frequent problems facing the Roma. They learn what obligations these instruments impose on the state and how they should be applied. Relevant instruments include:

- The Universal Declaration of Human Rights;
- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The United Nations Convention on the Elimination of All Forms of Racial Discrimination;
- The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
- The Council of Europe Framework-Convention for the Protection of National Minorities;
- The European Social Charter;
- The United Nations Convention on the Rights of the Child;
- The Convention Against Torture; and the
- European Convention on Human Rights.

Most of these instruments are binding to the state and must be respected by all of its representatives. Others may be more suggestive or exhortative, with moral rather than legal authority, but nevertheless can be powerful instruments of political and moral pressure on the state. The monitors learn to use these instruments to identify human rights violations and to advocate for redress or change from local authorities.

The monitors then learn about the obligations of the state and its institutions to respect the rights contained in the covenants and treaties it has ratified. However, for the purposes of their work after the training, we focus on articles that are most applicable to the problems facing the Roma. These include, for example, Part II Article 2 of the International Covenant on Civil and Political Rights, which provides that *"each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."*

The training explains that the “state” includes not only the president, prime minister, ministers and members of parliament, but all the authorities that constitute the government, including regional, district and local autonomous governments and institutions, their officials and ordinary citizens, without any distinction. Furthermore, all administrative and judicial authorities should be aware of the obligations that the state has assumed under international law.

Most members of the Roma population in Slovakia are ignorant of the law and their basic rights as citizens. In fact, as a minority, this is one of the roots of their problems. They lack the tools to protect their rights to adequate housing, freedom from discrimination and so on. The training provides a form of liberation, protection and hope for people at the grassroots level.

Money is not everything that makes a human being happy. I believe this work I am doing as a volunteer will contribute to confidence-building in my people, assist to integrate my people into society, indirectly stabilize our economy and then enough jobs will be created for everyone. For without peace there will be no jobs.

Anna Puskova, local monitor in the district of Ruzomberok

The purpose of the training is not to turn the monitors into experts in international law, but to give them a basic understanding of the human rights instruments that will most assist them in correctly identifying and reporting human rights violations at the grassroots level. Once they are armed with this basic information, they can be sent to work in the field. The effectiveness of this training process can be inferred from some of the results described in the next section.

Impact of the Tactic

In the beginning, the LHRA network raised a lot of dust by putting discrimination on the national agenda. The government at first denied all allegations out of habit. Before this time, human rights cases were never prosecuted. No one was fired or punished for human rights abuse. The authorities initially accused the LHRA of discrediting the government and bringing the nation and the Slovak people into international disrepute.

Despite official discomfort, with the help of the media, the facts and figures behind the LHRA’s criticisms came to light. Gradually we raised international awareness by documenting specific cases of abuse. With formal submissions to international institutions, such as our report to the United Nations Committee on the Rights of the Child, entitled “The State of Roma Children in the Slovak Republic,” the LHRA

Since the LHRA established a presence in this district, hope and confidence have been restored to the [Roma] people on the margins. I just hope that more people will join us in this struggle, so that our district will be totally free.

Natasa Jarova, head monitor in the district of Sala

began to acquire national and international recognition.

Once the word was out, complaints by victims of human rights abuse began to flood the office. Victims started to bring their complaints and problems to the office on their own sometimes without the knowledge of the local monitors. The organization could barely cope with the volume of work coming in. This is an indication that in the past victims did not know where to seek help. Now they had somewhere to go.

Although the LHRA faced harassment and persecution (see below), authorities nevertheless began to make some positive changes. The police, prosecutors, judges and courts began to respond more productively to minority issues. The government began to pay particular attention to this area and to create policies in the areas of education, housing and employment, practically outlawing racial discrimination.

The criminal, civil, administrative and labor laws were also amended to reflect some of the objectives of the LHRA. Parliament is soon to adopt an anti-discrimination law. The first

human rights ombudsman – for which the LHRA long advocated – has been appointed, although the office has not been given all the independence and authority lobbied for by the LHRA. These are all clear indications that changes are beginning.

In April 2002, I sent an evaluation form to all the local [government] offices where I had accredited local monitors. To my greatest astonishment, more than half of the local government offices requested that the local monitors be allowed to continue doing their jobs.

Columbus Igboanusi, executive director of LHRA

The LHRA has also documented numerous specific incidents where its monitoring has had a notable impact:

- Monitors discovered secret mass evictions of Roma people from the city center in the district of Spisska Nova Ves. The LHRA conducted a major fact-finding mission in the district, during which they discussed the problem with the authorities. The evictions stopped immediately.
- Monitors provided information leading to the arrest of seven policemen who were involved in torturing a Roma to death while he was in police custody.
- Various complaints of incidents of racial violence by neo-nazi skinheads against Roma and non-white foreigners in Slovakia were able to reach the courts due to timely and effective reporting by volunteer monitors at the local level.
- When Mrs. Anastacia Balazova, a Roma mother of eight children, was killed by four neo-nazi skinheads, monitors' efforts helped lead to the arrest, prosecution and conviction of the killers.
- A report on the segregation of Roma children in a local school in the town of Trebisov was made public and reported to the United Nations Committee on the Rights of the Child in October 2000, due to the work of local volunteer monitors.
- When a local court in the district of Sala sentenced a semi-literate Roma man without even summoning him to a public hearing to defend himself, this miscarriage of justice was brought to light by an LHRA monitor.
- In a short period of time, the LHRA network has been able to earn considerable respect, even within official circles.
- On December 14, 2001, the minister of the interior established a commission, made up of NGOs and members of law enforcement agencies, to monitor racially motivated crimes committed by neo-nazi skinheads and other racist groups. A representative of the LHRA was appointed to this commission.

Difficulties and Challenges

Political and Physical Security

The LHRA's fame was not without costs. The organization and its monitors have faced the kinds of threats and intimidation that are so frequently the reward for confronting those who support violence and abuse. The LHRA and its president, Dr. Igboanusi, became the

object of persecution by some state agents as well as right-wing groups. False criminal charges have been brought against some monitors, they have been detained and tortured, their families have been threatened. Some monitors who have been harassed by the authorities or have received threatening letters from neo-nazi skinheads have been inhibited from speaking out or doing their work effectively in their districts or regions.

In addition to discussing security in the training process and providing monitors with official credentials and introductions, the LHRA has also had to intervene directly to protect the monitors' safety, by complaining to the police and authorities, filing legal suits and organizing publicity campaigns.

Volunteers' Understanding of the Law

The volunteer monitors initially had problems understanding what a violation of human rights is. In training, some would mistakenly say that when their next door neighbor insults them, or when they have a misunderstanding with a friend or when someone who owes them some money fails to pay up at the appointed date and time that their human rights have been violated. The training process cannot take anything for granted, and trainers take time to explain what constitutes a human rights violation according to international legal instruments. On the specific topic of discrimination, however, everyone can remember a personal experience when he or she has been discriminated against.

Volunteers' Relationship With Authorities

Of course, the monitors are not always welcomed with open arms. They often run into conflict with local officials who see them as threatening their authority or exposing them to public scrutiny. Sometimes the authorities refuse outright to cooperate with local monitors.

However, devoted monitors will not get frightened or discouraged by this behavior. Monitors are taught to be calm, articulate, patient and persistent. Continued contact with the authorities will sometimes overcome initial distrust. Monitors are also encouraged to invite the media to participate in discussions with authorities – the authorities recognize the power of the media and often find it difficult to turn down a monitor's request with a reporter present.

Challenges in the Courts and the Press

The Real Slovak National Party (PSNS) is intensively supporting and engaging in this year's celebration of European Week Against Racism by filing a criminal lawsuit with the prosecutor general of the Slovak Republic against Columbus Igboanusi, the director of the League of Human Rights Advocates. As Mr. Jan Slota, the president of Real Slovak National Party (PSNS), emphasized today before the media, 'This self-proclaimed human rights activist constantly interferes in the work of police investigators and monitors their activities.' According to the PSNS, Igboanusi has deep-rooted racist attitudes toward white Slovaks. The PSNS will see to it that this self-proclaimed activist will be expelled from Slovak Republic.

Slovak Press Agency, March 18, 2002 (translated from the Slovak)

The quote above demonstrates the sometimes vocal opposition to LHRA's human rights work by self-proclaimed Slovak nationalists.

Implementing the Tactic Elsewhere

This tactic can be applied in many different situations in which the implementation of international human rights standards at the

domestic level need to be monitored. The assumptions behind developing this tactic are:

- That the state is legally committed to certain international obligations, and that this commitment extends to the local authorities in every district or region;

- That the infringement of these rights is occurring at the local level, so that local monitoring can most effectively document it; and
- That any process of remedying this infringement of rights must involve the local authorities, so in the long run it is critical that they be sensitized to their duties under international law.

There are important issues to bear in mind when considering or implementing this tactic:

1. Understanding International Human Rights Law

First, people within the organization must have a basic understanding of international human rights instruments – multilateral, regional or sub-regional.⁴ The organization needs to distinguish the instruments that are legally binding from those that place only political and moral obligations on the state. Once the state has ratified a treaty, acceded to a convention or signed a declaration, it becomes the duty of that state to bear the responsibilities and to respect the obligations emanating from the convention or declaration. This puts human rights organizations in a strong position to present their monitoring operations as “helpful assistance” to the state in fulfilling its obligations at the local level. Some elements of

⁴ Multilateral human rights instruments include conventions and declaration on human rights adopted under the auspices of the United Nations such as the Covenant on Civil and Political Rights (CCPR), the Covenant on Economic, Civil and Political Rights (CESCR), the Convention on the Rights of the Child, the 1951 convention and 1967 protocol on the status of refugees, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the United Nations Declaration on the Rights of Persons Belonging to Ethnic or National Minorities, etc.

Regional human rights instruments are the conventions and declarations on human rights adopted under regional intergovernmental organizations, and they include the Inter-American Convention on Human Rights, the African Charter on Human and Peoples’ Rights, the European Convention on Human Rights, the Asian-Pacific Forum on National Human Rights Institutions, etc. Sub-regional human rights instruments include those of the Economic Community of West African States, the Council of Europe, the Association of Caribbean States, the Economic and Social Commission for Western Asia, etc. All the intergovernmental institutions mentioned here have their own human rights enforcement mechanisms.

the state may resist such assistance, and even accuse monitors of being “against” the state. In legal terms, however, such monitoring is on a strong footing and over the long run more moderate and progressive forces in the government will recognize that the state actually benefits from the monitoring.

2. Objective Reporting and Criticism

Objective reporting is crucial to maintaining the organization’s credibility. On the one hand, objective reporting and criticism helps the state to correctly identify its shortcomings and make the necessary adjustments. The result is that the people at the grassroots directly feel and enjoy the results of your work. Secondly, objective reporting enables an organization to gain the confidence of the international human rights community and, eventually, even that of the state. Biased reporting and unsubstantiated criticisms hurt your institution’s reputation, destroying confidence in your work among ordinary people, the government and international organizations.

3. Government Resistance and Antagonism

Keep in mind that government institutions will resist allegations of human rights abuse by all possible means. In the beginning you are likely to experience strong objections and resistance from the state and its institutions. This antagonism may manifest itself in the form of condemnations and attacks in the mass media. Your reports will be called biased and anti-government. The state can penetrate your system, bug your telephones and steal your reports and use them against you. Allegations may emerge linking your organization with opposition political parties. You may even be accused of working for a foreign government. One notable harassment tactic is economic strangulation of your organization. You and members of your organization may experience threats to ban your activities, false criminal charges, detention and imprisonment, blackmail and even physical attacks. Noncitizens in your network could be expelled from the country. The extreme right-wing and others who oppose change in society may also attack you.

These and other forms of harassment, almost all of which the LHRA has experienced, are deliberately intended to break your will and

determination. Maintain your ground and stand firm.

4. Government Partnership

Your work is likely to cause the state some embarrassment on the international scene and it must in turn take some positive steps to counteract that embarrassment. Once international attention is focused on a government, it cannot afford to allow its human rights records to continue to deteriorate. It may start to put things right. To improve its international reputation, the state may even seek your advice and cooperation. Remember, as long as your goal is to ensure respect for human rights, it is your job not only to criticize the authorities for abuses, but also to praise them for any advancements and to assist them in making those advancements. This is the time to start building a cordial relationship with authorities that can lead to partnerships and mutual trust.

5. Teamwork and Cooperation

Good working relationships with local monitors and the ability to share information with other NGOs are essential. Teamwork between headquarters staff and local monitors ensures that information obtained in the field can be processed more efficiently, ensuring effective responses to complaints of human rights violations. This reduces delay in assisting the victim and prevents attempts by perpetrators to cover up the evidence. Both monitors and law enforcement agents can easily identify the human rights violation and arrest and prosecute the suspects.

Through teamwork and information-sharing with international NGOs, (such as, in our case, Amnesty International, the European Roma Rights Center, Human Rights Watch, etc.), you can publicize the human rights situation in your country internationally. Their reports put pressure on the state to observe its human rights obligations.⁵ This relationship can also provide some protection to your own organization.

6. Risk of Sabotage by Monitors

In the course of their work, local monitors are privy to some delicate information that can be very important to the authorities. Protecting this information is important both for the safety of victims and for the good of society in general. The authorities sometimes claim that such information is of security interest to the country and attempt to impound it, get rid of the holders of such information or penetrate the monitoring organization itself. They can achieve this by bribing monitors, seriously threatening the organization. In the case of the LHRA, Dr. Igboanusi's telephone and mobile phones were bugged and one of the monitors was bribed by the state to supply information on reports and on the activities of the LHRA. The situation was not discovered for six to nine months.

The LHRA recommends the following preventive measures:

- Try to achieve as much transparency as possible. The fewer secrets and less delicate material you have under your control, the less vulnerable you are to such pressures.
- Only the director and the officer preparing reports of human rights abuse should know what will be done with the information.
- Certain sensitive conversations should not be held on the telephone or by e-mail. Instead they should be held in person or by registered letter.
- Before monitors are hired, they should be told about past sabotaging of the work of LHRA and the consequences and risks this may pose for their own reputation and for victims of human rights abuses.
- The office of the organization and its information storage systems should be guarded with care.

⁵ See, for example, the 2001 Amnesty International report on the Slovak Republic and the 2001 Second Quarter report of the European Roma Rights Center.

Conclusion

You cannot build a sustainable monitoring network without a clear determination to achieve long-term results and to effect change in the society. You can expect resistance and difficulties, and will need both persistence and a long-term commitment. Even in the face of harassment, your organization will need to be able to recognize and accept valid criticism from outside. This is especially important if criticism of bias is weakening your credibility.

You must develop a strong understanding of and respect for international law. Also, the link between your state's legal framework and international law is crucial. You will achieve the best results when you can prove that the state has actually committed itself to international legal obligations that prohibit the abuses you are bringing to light. Your demands then have greater legal and political legitimacy.

Conversely, it would be difficult to apply this tactic to address problems that are not covered by international law on human rights, or where there is no national legal framework in place through which international law can be applied in the courts.

Finally, do not underestimate the need to consider and plan for the security needs of your organization, its premises and especially your monitors. The committed activists who voluntarily join this noble endeavor are your greatest resource. You depend on them and they need to know that your organization takes their safety seriously, and will stand up for them when they are under threat.

In the end, with a loyal and committed network of volunteers, sound legal grounding and support and a long-term commitment to change, we hope that you too will be able to build a monitoring operation that can bring international human rights and humanitarian law into force at the local level in your communities.

Appendix I

Format for Reporting on Fact-Finding or Monitoring

The report should be divided into four sections:

- a) Introduction
- b) Highlights of Interviews
- c) Observations
- d) Recommendations

The introduction should define (i) the objective of the mission and (ii) the specific focus of the mission, for instance: education, cultural expression, political participation, nationality status, employment, health care, housing, racial violence and intolerance, access to public facilities, etc. The focus should be an area strictly protected by international and national legal instruments having either moral or binding legal effect on the state, such as:

- International Covenant on Civil and Political Rights. (ICCPR) (see articles 2, 6, 7, 10, 26 and 27);
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (see articles 1, 6, 9, 11, 15, etc., and their optional protocols);
- Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Rights of the Child;
- Universal Declaration of Human Rights;
- International Labor Office Convention Concerning Indigenous and Tribal Peoples in Independent Countries, in addition to the constitution and other subsequent legal provisions of the particular state;
- European Convention on Human Rights.

Highlights of interviews: Interviews conducted with public authorities responsible for implementing policies that proceed from these legal instruments should be detailed here, along with highlights of interviews with the victims.

Conducting the interviews: Extreme care should be taken to avoid being sentimental and emotional when questioning public officers and victims. Questions should be strictly limited to areas protected by law.

On-the-spot observations: This, too, should be reported objectively. The evidence included here should include actual situations and events, documents, victims' testimonies, medical reports, culprits' statements, cooperation (and lack of it) on the part of public authorities, etc.

In compiling this section, avoid being one-sided, using emotional language, unless absolutely necessary. Quote comments by those involved, including the victims, suspects, law enforcement officers, medical doctors and core eyewitnesses. You may need to use cameras, video equipment or tape recorders to obtain evidence. You may need the consent of the people involved, depending on your local laws. Recommendations should be made as objectively as possible.

Appendix II

Letter of Accreditation

District Police Director
District of Kosice
04001 Kosice

Dear Sir or Madam:

INTRODUCTION OF DISTRICT REPRESENTATIVE

I have the honor of introducing to you Mr. Kamil Potocek, born on in the autonomous community of Kosice, as the representative of our organization in your district. Mr. Kamil Potocek has been authorized by the executive director and the board of directors of this organization to exercise the duties of a district monitor and coordinator of the duties of our organization in your district. The job of a district monitor is not a paid one and Mr. Potocek will be carrying out his duties as a volunteer.

The League of Human Rights Advocates (LHRA) is a nongovernmental public interest law organization registered in January 1999 in accordance with Act. No. 83/1983 of the Slovak Republic as a nonprofit charitable organization.

The major goals of this organization are to monitor the implementation of international human rights law, democratic principles and respect for the rule of law at the domestic level. It also documents and disseminates information on the human rights situation in Slovak Republic. Other aims of the organization include providing legal assistance to victims of human rights abuses, negotiating and settling problems involving human rights abuses with the authorities and administrative institutions at both the local and national levels.

Mr. Potocek has been authorized to contribute to realizing the aims and objectives of our organization in your district. I am pleased to inform you that our organization is a member of the commission established by order of the minister of the interior of the Slovak Republic, No. 61/2001, for solving problems involving racially motivated crimes committed in the Slovak Republic. Our organization is in close contact with intergovernmental human rights institutions such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (CE) and the Economic and Social Council of the United Nations (ECOSOC).

Honorable Sir, I believe the activities of our organization will go a long way toward helping you to enjoy a reasonably democratic regime in your district. It would be greatly appreciated if you could assist Mr. Potocek in carrying out his duties in your district without impediments.

If you have any questions about the competencies and duties of Mr. Potocek or about our organization, do not hesitate to contact us at the address above.

We greatly appreciate your understanding and look forward to fruitful cooperation with you.

Yours truly,

Beata Olahova

Deputy Director

Notes

**For a full list of publications available in the Tactical Notebook Series,
go to www.newtactics.org.**

Online you will also find a searchable database of tactics and
forums for discussion with other human rights practitioners.



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