

Adopting a Human Rights Framework for Promoting Religious Co-Existence and Minority Rights in South Asia

Training of Trainers Workshop
30 June - 3 July 2019, Kathmandu, Nepal



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The organisations would also like to thank Mr. D.J. Ravindran and Ms. Kalpalata Dutta, for preparing the training material, facilitating the training workshop and writing this publication; and the participants from across South Asia.

IMADR, SAHR and Jagaran Nepal also wishes to thank their board members and staff for planning and assisting in the logistical support for this ToT Workshop.

Introduction

In recent years there has been a rise in religious intolerance resulting in an increase in cases of violence against minority groups in South Asia. There is a need to strengthen knowledge and skills of Human Rights Defenders (HRDs) to respond to such violations such that they can more effectively work for the promotion and protection of the rights of the victims.

In this context, the International Movement Against all forms of Discrimination (IMADR), South Asians for Human Rights (SAHR) and Jagaran Nepal organised a training of trainers on ‘Adopting a Human Rights Framework for Promoting Religious Co-existence and Minority Rights in South Asia’, in Kathumandu from 30th to 3rd July 2019.

The training was attended by twenty participants from the South Asian region, such as from India, Bangladesh, Maldives, Pakistan, Sri Lanka and Nepal. The training was facilitated by Mr. D.J. Ravindran and Ms. Kalpalata Dutta.

The present document provides a description of the training content and design. It also includes the handouts and reference materials that were provided during the training.

It is hoped that this resource can be used as a guide by the participants and other human rights monitors in organising trainings on the subject.

Preliminaries

Identifying the Experiences of the Participants

A training needs to be contextualised to the experience and learning needs of the participants. This can be ascertained through a questionnaire before the training starts or through a discussion at the beginning of the training itself.

As an example, the experience and needs of the participants from this workshop were synthesised as follows:

Experience of the Participants
<p>General Human Rights Experience</p> <ul style="list-style-type: none">• Provided relief to communities affected by communal violence• Worked in the development field with national and international organisations• Worked on issues of torture, custodial violence, extra judicial and encounter killings, caste atrocities, communalism, challenges to democratic space, risks and threats to HRDs, issues concerning human rights institutions, etc.• Worked with domestic workers, child labourers, migrant workers and victims of human trafficking.• Coordinating and anchoring work on extra judicial killings• Represented victims of arbitrary arrest and torture for the past seven years• Working on the protection and promotion of human rights with national and international NGOs• Worked on protection of civilians
<p>Monitoring Human Rights Violations</p> <ul style="list-style-type: none">• Engaged in human rights monitoring and gathering information about human rights violations, in particular violations against children, women and police excesses
<p>Monitoring Elections / Courts</p> <ul style="list-style-type: none">• Observed the national parliamentary elections from a gender perspective• Monitoring election violence and breach of human rights

Education/Awareness Creation/Training

- Design awareness materials (poster, leaflet, flyer, sticker etc.)
- Conduct training sessions regularly on diversity, pluralism, women and human rights, secularism, democratic attitude, tolerance, de-radicalisation, social cohesion, Preventing Violent Extremism (PVE), Gender Based Violence (GBV), Ending Violence Against Women and Girls (EVAWG).
- Conceptualising and building capacity of programs and projects to deliver activities and benefits to HRDs and victims
- Organising leadership training for youth

Research / Advocacy

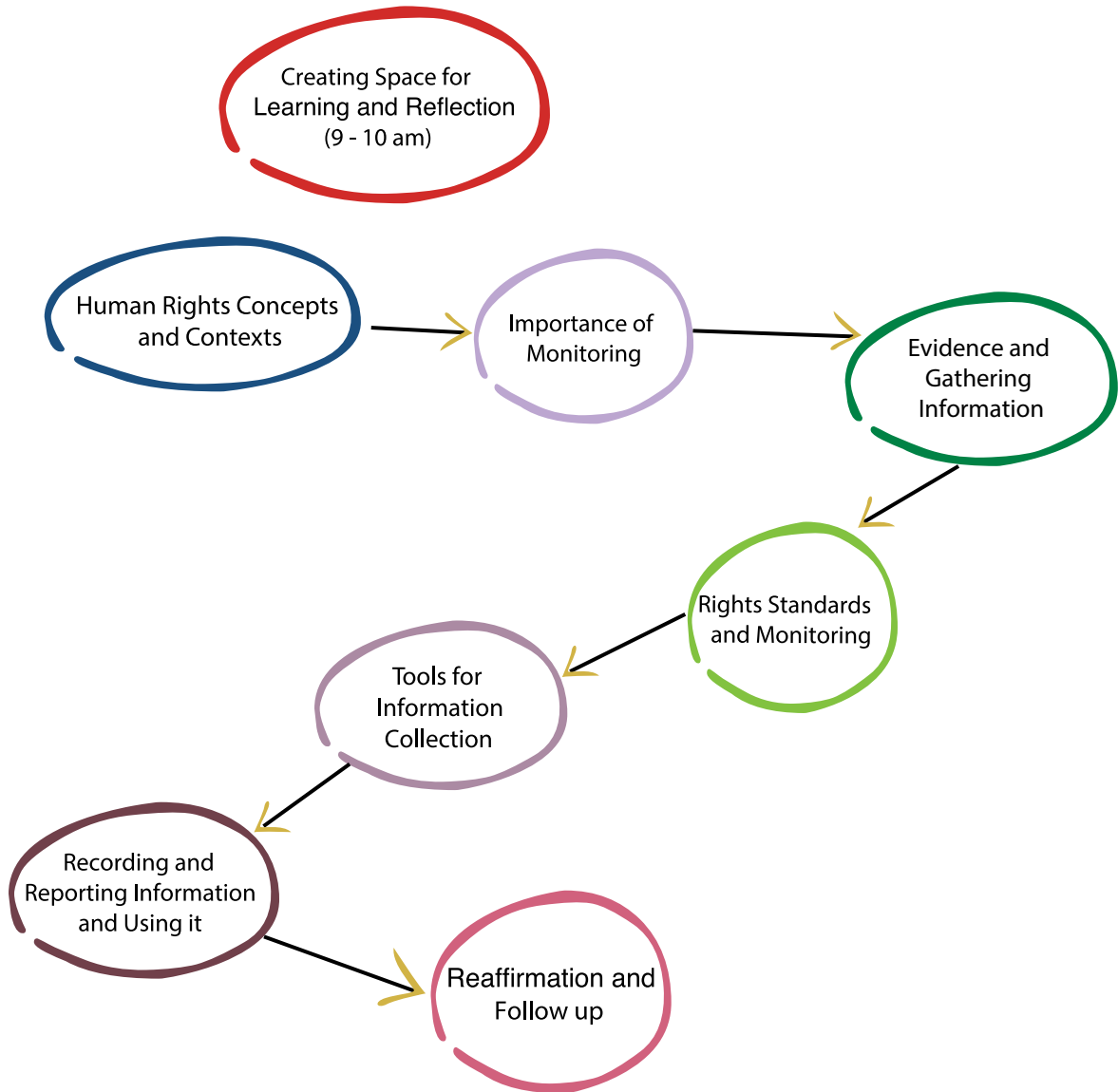
- Involved in research, advocacy and interventions on human rights violations faced by disadvantaged communities, especially religious minorities.
- Advocacy and intervention in cases of religion based hate crimes and issue of de-citizenship faced by religious minorities
- Preliminary assessment of violent extremism
- Support Civil Society Organisations (CSOs) to mobilise donor funds

Training Needs	
Monitoring	<ul style="list-style-type: none"> • Tools for monitoring violations of rights of minorities • Do's and Don't's of a fact-finding mission • Applying the human rights framework in daily monitoring of violations against religious minorities • Systematic documentation of violations against HRDs based on religion • Documentation tools for religion based hate crimes and lynching
Strengthen understanding about skills and tools for advocacy	<ul style="list-style-type: none"> • Strategies • Mechanisms at national and international level • Strategies and mediums for quick and safe dissemination of documented data • Strengthening advocacy with country diplomatic missions
Strengthen understanding about laws and Human rights standards	<ul style="list-style-type: none"> • Strengthening understanding of laws which protect the rights of religious minorities • Strengthening understanding of human rights standards
Strengthen understanding about religious intolerance	<ul style="list-style-type: none"> • Root causes of religious intolerance • Impact of religious intolerance on women • Situation of religious intolerance in South Asia • How fundamentalism interfaces with social norms and history of the society • What is essential to keep cultural identity while countering fundamentalist practices and teaching • Impact of fundamentalism on women and marginal populations in our society.

Strengthen protection of HRDs	<ul style="list-style-type: none">• Strategies for addressing reprisal actions from the State against HRDs• Strengthening witness protection programs• Impact of religious intolerance on women• Situation of religious intolerance in South Asia• Designing security plans for staff and human rights activists
Provision of relief and rehabilitation	<ul style="list-style-type: none">• Develop and design programs for rehabilitation of violent extremists• Provision of assistance to victims
Conflict resolution and peace building	<ul style="list-style-type: none">• How to control violence and restore normalcy following classes of religious intolerance• How to develop effective messages to promote the idea of diversity, pluralism, coexistence of religions, and social cohesion
Solidarity and networking	<ul style="list-style-type: none">• Explore opportunities of building collective voices at national and regional level• Learning from experience of other participants

Finalising the Agenda of the Workshop

Based on the experience and learning needs of the participants, and the overall goals of the workshop, the design of the training workshop that was adopted as follows:



Training Sessions

Creating Space for Learning and Reflection
(9 - 10 am)

Creating Space for Learning and Reflection

As the name suggests the objective of the session was to facilitate discussion on religious intolerance.

Readings and quotes were used to give structure to the discussions.

Selected participants were asked to do brief presentations on readings assigned to them. After the presentations, an open discussion was facilitated amongst the participants.

Readings

1. Human Rights and the State, Embracing and Abandoning Religions, by Peter Jacob, available at: <https://www.openglobalrights.org/human-rights-and-state-embracing-and-abandoning-religions/>
2. Religion and Human Rights - Compatible or Conflicting?, by Federick Powell
3. Power of Religion and Human Rights, by Larry Cox, document available at: <https://kairoscenter.org/power-religion-human-rights/>
4. Religion and Human Rights: A Dialectical Relationship, by Bas De Gay Fortman, available at: <https://www.e-ir.info/2011/12/05/religion-and-human-rights-a-dialectical-relationship/>

Quotation

...the only rational solution to the desire for recognition was universal recognition in which the dignity of every human being was recognised. Universal recognition has been challenged ever since by other partial forms of recognition based on nation, religion, sect, race, ethnicity or gender, or by individuals wanting to be recognised as superior.

The rise of identity politics in modern liberal democracies is one of the chief threats they face, and unless we can work our way back to more universal understandings of human dignity, we will doom ourselves to continuing conflict.

Francis Fukuyama

"Identity: The Demand for Dignity and the Politics of Resentment"



Human Rights Concepts and Contexts

Objective

- To strengthen understanding the basic concepts and human rights standards.

Process

Ask the participants to identify victims, and violations faced by such victims. Note down the responses as follows:

Victims	Violations
Religious minorities / Atheists	Discrimination
Women	Physical attack
Victims of Torture	Hate crimes
Children	Hate speech
Ethnic minorities / Indigenous people	Torture
Differently abled people	Eviction from land
Migrants	Preventive arrest
Human rights defenders	Malicious prosecution
Dalits	Trafficking
Senior citizens	Child labour
Sex workers	Honour killing
People who are HIV Positive	Extra judicial killing
	Disappearances
	Denial of entitlement

Next, ask the participants to identify the rights corresponding to the violations identified by them. Ask them to write in post-its and place them on the image of a tree.

Learning Points

Stress on the fundamental concepts of

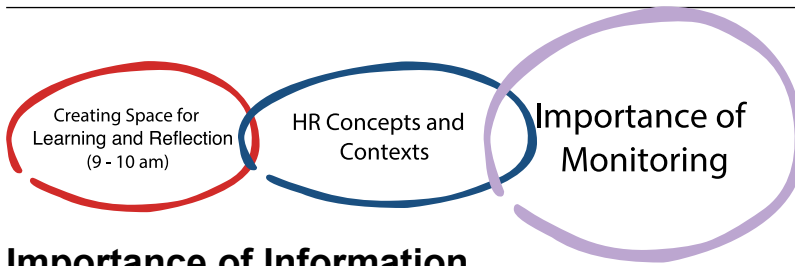
- Dignity
- Right to bodily integrity
- Equality and non-discrimination
- Right to life

These concepts should lie at the roots of the tree.

Also stress on the Indivisibility and Interdependence of Rights.

Distribute Handout 1 for review by participants. Discuss any questions that participants may have.





Importance of Information

Objective

To facilitate discussion on:

- The importance of collecting information
- The value of credible information
- Overview of methods of collecting information

Process

1. What is needed to establish a violation of any kind? It is information. Introduce the short note on information by Jonathan Kutab, 'Human Rights Protection: The First Line of Defense' (Handout 2), and ask the participants to summarise the main points.

Learning Points

- Information documentation and dissemination of accurate details of violations is the most powerful weapon in fighting for human rights - First Line of Defence
 - Information collected must be accurate, detailed, credible and reliable.
 - Information must be disseminated effectively.
2. Next, ask the participants to discuss - What are the most common methods of collecting information?

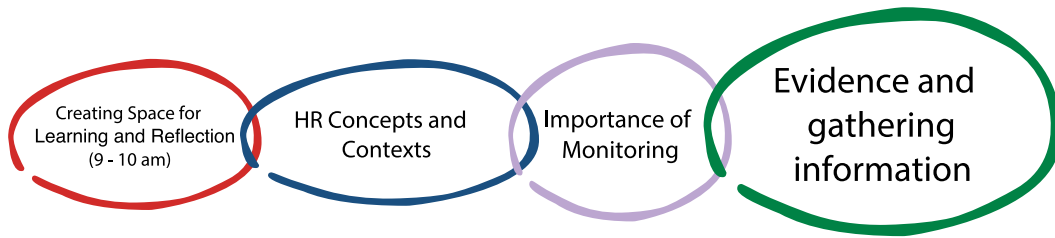
Methods of Collecting Information

- Fact-Finding
- Commissions of Enquiry
- Using the Right to Information Act
- Trial Observation
- Prison Visits
- Crowd Sourcing
- Researching Official Reports and Archives
- International Missions
- Forensic Investigation

3. Conclude this session with the question - What is the purpose of gathering information?

Purpose of Collecting Information
--

- | |
|--|
| <ul style="list-style-type: none">• Filing legal actions• Put together evidence• Establishing patterns, truth• Developing of policies / preventive mechanisms• For advocacy and campaign• Providing support and assistance to victims• Establishing historical records• Monitoring compliance to human rights |
|--|



Basics of information Collection - Sources

Objective

To facilitate discussion on identifying sources of information.

Process

Give the participants a brief news report (Handout 3) and ask them to identify the different sources of information.

Learning Points

- The key points are to establish the possible sources of information. Such sources may be **direct** or **indirect** in nature.
- In the given exercise, direct sources include eye witnesses, first aid volunteers and investigating officers who may have first hand information about an incident.
- Indirect sources refer to secondary sources of information, or those who may not have any direct connection with the incident, but may have knowledge about it. Indirect sources include family members who were not present at the place of incident.

Evidence Gathering, Corroboration and Assessment of Evidence

Objective

- To strengthen knowledge on various ways of gathering evidence and assessing such evidence

Process

1. Upon hearing a case of human rights violations, what are the first questions that people ask?

<p>How do you know? How are you sure? Do you have any eye witness? Was there any provocation? What time? What is the root cause? What is the version of other side? Are you biased in your conclusion? Who did you inform?</p>	<p>What is needed to respond to such questions? Proof or Evidence</p>
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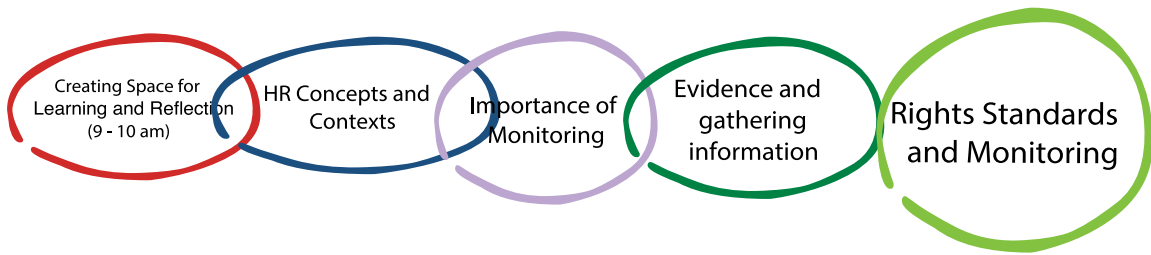
2. Discuss the basics of evidence gathering and level of proof and corroboration.

Learning Notes : Evidence Gathering, Corroboration and Level of Proof

- All conclusions should be based on evidence.
- NGOs or human rights monitors do not have the authority to compel all parties to come and disclose information. However, they can collect all available information and evaluate them to arrive at conclusions.
- Upon receiving information about an alleged violation, it is useful to make a list of all possible sources by analysing the various elements on the matter under investigation and the nature of evidence that would be required to substantiate such elements. For example in case of an extra-judicial killing, the elements that need to be examined include:
 - a. Who was the alleged victim?
 - b. Where did the incident occur?
 - c. When did the incident occur?
 - d. Who are the alleged perpetrators?
 - e. Who found the body?
- Based upon such analysis, identify witnesses who may have direct knowledge about the alleged violation, such as
 - a. The person who found the body,
 - b. The doctors who conducted the post-mortem,
 - c. Relatives who identified the body,
 - d. The police officers who reached the place of incident, etc.
- Next, identify secondary sources who may be able to provide more information who may be able to substantiate the basic questions of **who, what, when, why, where** and **how**. For

example, family members or people from the local community who may be able to give information on the reasons the victim may have been a target of extra-judicial killing.

- Seek written and documentary evidence such as post-mortem reports, newspaper reports, etc.
- It is important to pursue all evidentiary leads. Human rights monitors usually face the problems of receiving motivated information or substantial evidence. In such cases it is important to look at corroborative evidence. Corroborations can be achieved by on-site visits, or constructing patterns based on evidence from secondary sources. It is important to assess the veracity and reliability of the evidence obtained.
- ‘Admission Against Interest’ can also be used as evidence. For example, in a case of extra-judicial killing, a government may accept the fact that five persons were killed instead of forty as alleged by journalists. This is an ‘admission against interest’. Human rights monitors can use such admissions and proceed from there - seek accountability of the five deaths accepted by the government.
- While arriving at a conclusion, it is important to disclose the standard of proof. For example, a conclusion may be based on secondary sources of information as collection of first hand information was not possible. In such a case, it is important to disclose how information obtained from secondary sources of information was corroborated.
- Human rights NGOs may not be able to achieve a high level of proof in their investigations. But they should try to achieve the level of ‘beyond reasonable doubt’ in their investigations. Level of proof also depends on the nature of action that is planned. If the plan is to issue a letter of concern, then credible second hand reports can be relied upon. However, if the plan is to publish a major report then more substantial evidence is required.
- Any written documentation should always disclose the level of evidence that has been relied upon. The phrases used to indicate level of proof are, ‘definitely conclude’, ‘very likely’, ‘probable’, and ‘eye witnesses stated that’. While reporting on sudden crisis situations it is better to use qualified terms – ‘eye witnesses say that’, ‘we are unable to verify at the moment’.
- If the report issued by the human rights monitors is based on sufficient evidence, then the burden of proof shifts on the government to refute the charges, or take action to address the violations.



Applying Standards in Defining Human Rights Violations

Objectives

- Facilitate discussion on the use of human rights standards in monitoring work
- Practice use of human rights standards

Process

Referring back to the discussion in the earlier session on purposes of fact-finding, start with the question - what is the basis for monitoring compliance to human rights?

- Human rights standards form the basis of monitoring State compliance to human rights obligations.
- At the national level, these standards are found in the Constitution (chapters on fundamental rights / directive principles) or specific laws.
- At the international level, the Universal Declaration of Human Rights and the core human rights treaties embody the human rights standards. All States have an obligation to abide by these standards.

Exercise I

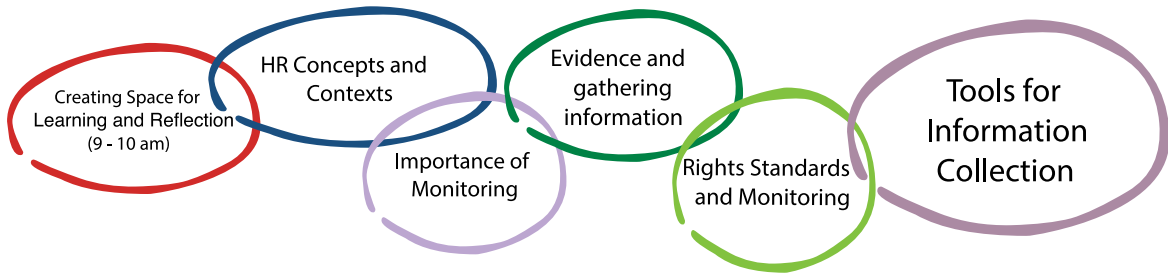
Divide the participants in groups, and ask the participants to review the Handout 4 and make a presentation on the human rights standards pertaining to right to freedom of religion.

Exercise II

Ask the participants to review the joint statement on torture and trials in Turkmenistan provided in Handout 5 and examine the way in which international human rights standards have been used to highlight the issue of torture.

Learning Points

- Paragraph 8 states that Turkmenistan is a party to the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture. Thus, it establishes that Turkmenistan has an obligation to take measures to protect against torture.
- Paragraph 15 discusses the right to fair trial as guaranteed in Article 14 of the ICCPR and the measures that the State should take to guarantee the right.
- Paragraph 19 discusses the concluding observations of the UN Committee Against Torture on the report submitted by Turkmenistan.
- Human rights organisations have used this framework of international standards to assess the practice of incommunicado detention, torture, prison conditions, right to fair trial, and establish the violations.



Collection of Information through Interviews

Objectives

- To review the basics of collecting information through interviewing

Process

1. Identify two pairs of participants, and give them a scenario each (Handout 6). Ask each pair to conduct a mock interview. Ask the rest of the participants to observe the interview and note down their reflection on the process.
2. Review the important points that should be kept in mind while preparing for an interview, during conducting it and after the interview is completed.

Learning Points

Interviewing is the most common method used for collecting information from victims and witnesses. Interviews require planning and preparation. A badly conducted interview will affect the quality of the data gathered as well as alienate victims and witnesses. It is useful to think of an interview as a three-step process: pre-interview, during the interview, post interview and plan accordingly.

Pre-Interview

- Ensure that the venue, conditions and the timing are suitable for conducting the interview. Eliminate distractions in the place of interview, prevent any curious on-lookers or others observing the interview and as far as possible conduct individual interviews. Avoid group interviews.
- Become familiar with the case, context and the interviewee. However, do not form preconceived conclusions

- Understand the elements of human rights violations under investigation and prepare an appropriate questionnaire. Writing a questionnaire, even if never used, will help clarify the elements in a violation and ensure that relevant information is sought from the interviewee.
- If detailed questions are not prepared in advance, a fact-finder can use the simple checklist of “How, Where, When, Who, What, Why”.

During the Interview

- Ensure that the interviewee is comfortable. Convey verbally and through body language that you are concerned about his/her plight.
- Introduce yourself, including your organisation and if required provide personal information about yourself to connect with the interviewee.
- Explain clearly the purpose of the interview and what you plan to do with the information.
- Seek consent if you plan to go public with the information and if you intend to disclose the name of the interviewee. Also seek consent if you plan to use a recording machine.
- During the interview avoid being judgmental or biased. Do not express your opinion while interviewing.
- Be patient. Do not expect an interviewee to be coherent all the time. Be open to receiving unpredictable answers.
- Learn the art of being a good listener. Avoid dominating the interview. Be sensitive to non-verbal communications and observe the demeanour of the interviewee. Allow moments of silence.
- Exercise care in the choice of words. Avoid emotionally charged words. Use familiar everyday language and avoid jargon. Avoid hectic questioning. The interviewer should not act like a prosecutor.
- Avoid asking leading questions that will already suggest the answer to the witness. For example, ask “how were you treated by the prison guards?”. As opposed to “were you tortured”. In some situations, witness out of deference to the interviewer may always agree and say “yes” to a question even if he or she disagrees with it. Therefore, minimize the number of questions that call for a yes or no answers.
- Let the witness tell his or her story in his or her own way. Make sure that the narration does not get totally out of hand. Use the interview questions to gently guide the witness to revert to the main story if he or she digresses. Requesting the witness to narrate the story

in a chronological order would help the victim to structure the story and minimize the possibility of interviewer getting confused with too many details.

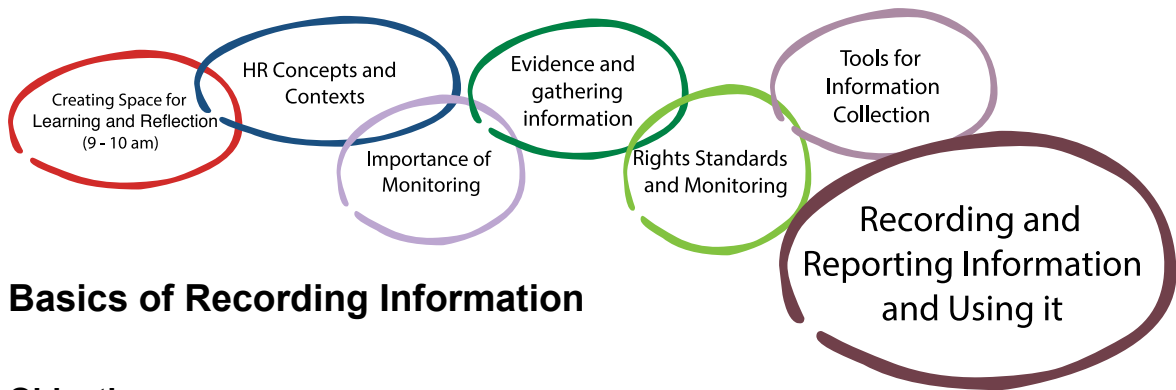
- Seek the help of the interviewee for leads, or other witnesses, or verifying information provided by other sources. However, avoid making references to names and details of other witnesses. Privacy of each interviewee must be respected.
- Do not promise rewards or results. Do not create false hopes. Explain possible follow-up actions that will be undertaken in connection with the violation being investigated.
- Remember to note some basic information concerning the interview itself such as: time and date of an interview; location of an interview; duration of an interview; information concerning the witness including name, age, gender, ethnic origin, political or other affiliations, and how the witness was contacted.
- In some situations, it will be impossible to conduct an interview without the help of an interpreter. An interpreter should be a neutral person and should only be a means of communication. It is important to brief the interpreter in advance to clarify his/her role and explain the purpose of the interview. If an interpreter gets involved in the interview and ask his/her own questions or get involved in an argument with an interviewee, the fact-finder should intervene and ensure that the interpreter remains as an interpreter.
- Difficulties in using equipment should be foreseen and contingency plans should be made to cope with difficulties such as power failure etc.

Post – Interview

- The fact-finder should read the notes in a quiet place to check if all the points have been covered. He or she should make a list of other witnesses suggested by the interviewee. Make a separate note of documents or other published material referred to by the interviewee.
- If more than one fact-finder was involved and each of them conducted interviews independently, a preliminary cross-checking should be made between them.
- Make a note of issues that need further clarifying or double checking as and when they arise while interviewing witnesses. Issues that emerge while interviewing one witness can become questions for another witness.
- If a witness had referred to a place or an object during the interview, the fact-finder should look for that place or object for purposes of corroboration. Also prepare maps or sketches if necessary.

Some Additional Points

- ***Interviewing victims:*** Victims of human rights are usually the best source of information. However, the interviewer needs to take into account the fact that they may be in a traumatised condition and may not be in a proper state of mind to share their experience. The interviewer should take care not to add to their trauma. Moreover, they may be confused about the facts, and thereafter he should not dismiss what they say and should be patient.
- ***Interviewing authorities and suspected perpetrators:*** the fact-finder should obtain the view of authorities regarding the allegations under investigation. The fact-finder should remain polite even if the government spokesperson or the perpetrator totally deny all allegations or provide incredible explanations. The fact-finder should probe for inconsistencies without being confrontational. The fact-finder should also listen with an open mind to obtain evidence both for and against an alleged violation. Interviewing authorities or known perpetrators requires tact and needs planning and preparation. The one method preparing for such interviews is to imagine the possible scenario and role play the interview.
- ***Interviewing women victims:*** Fact-finders, particularly men, should be aware of discrimination faced by women and should avoid stereotyping women victims. Because of social stigma that is attached to rape and other forms of sexual violence, a woman victim of such abuses should always be consulted and her consent for testimony must be explained elaborately. It is essential that women interview female rape victims.
- ***Interviewing child victims:*** Information gathering from children is a gradual process and not all the information can be gathered in one session. Be prepared to accept the child's view of the world and do not impose yours on the child.
- ***Interviewing refugees:*** While interviewing refugees, be sensitive to the stress of being displaced. Understand that it is not easy to be away from their homes, without material resources and possibly away from their families. A fact-finder should empathize with the refugee's feeling of overriding uncertainty and control over his or her destiny.



Basics of Recording Information

Objectives

- Facilitate discussion on the basics of recording information

Process

Discuss the importance of recording the information that is collected.

Stress on the point that - information must be recorded in a form which facilitates easy retrieval

Learning points

- Recording is an essential part of collecting information. Once information is collected through interviews or other methods, it must be recorded properly so that the information collected is not lost.
- Recording may be done in free-text format, or by using standard formats.
- Standard formats help in ensuring uniformity in information. Thus it helps in identifying patterns and in easy retrieval of information. An example is provided in Handout 7
- A standard format should contain information details about:
 - The act
 - The victim
 - The alleged perpetrator
 - The person from whom information is being collected (if not the same as the victim)
 - Physical or documentary evidence that has been collected from the interviewee, for example photocopy of medical records, or identity cards etc.
 - The person who is collecting the information
 - The follow up action taken / planned after collecting such information
 - Any other information that makes the data set complete.

- Controlled vocabularies should be used while recording information. Controlled vocabularies refer to the consistent use of specific terms to describe elements, such as the nature of violation, status of actors, status of complainants, etc. The use of controlled vocabularies help in the efficient retrieval of information. For example the terms, ‘capital punishment’ and ‘death penalty’ are synonymous. It is better to select one and consistently use it so that there is no confusion while storing and retrieving information.
- The recording system should be set keeping in mind the nature of the organisation. For example, in a legal aid organisation which receives complaints from victims almost everyday, it may be useful to periodically compile the information recorded in complaint forms in an excel table. Such periodic compilations help in doing searches on specific attributes such as nature of violation, and identifying patterns. An example is provided in Handout 8.

Basics of Writing a Fact-Finding Report

Objectives

- To facilitate discussion on the basics of a fact finding report

Process

Ask the participants to list the elements that should be included in a human rights report. Fill in gaps if any.

Learning Points

A fact finding report should contain the following elements:

- Executive summary
- Background including context of the incident and the legal framework which is applicable
- Terms of reference including description of the members of the mission
- Methodology used in the fact-finding
- Description of the information collected and the sources
- Observations including nature of violations
- Recommendations
- Annexures that include statements, relevant media clippings, background documents, relevant law and other standards

Some Additional Points

- The language should be concise and clear
- Avoid exaggeration and insults
- Avoid using politically motivated words undermining the impartiality



Planning and Conducting a Fact-Finding Mission

Objectives

- To review the basics of the terms of reference for a fact-finding mission
- To practice planning a fact-finding mission

Process

1. Brainstorm with participants on the elements that should be there in the terms of reference for a fact-finding mission.
2. Divide the participants into groups, give them a situation and ask them to plan a fact-finding mission.

Learning Points

The terms of reference should contain at least:

- The title
- The objectives of the mission
- The composition of the fact-finding team
- The tentative schedule
- The roles and responsibilities of the members of the team

Points to note in planning a fact-finding mission

- Upon deciding to conduct a fact-finding mission, contact a local organisation or contacts to confirm the preliminary facts
- Establish whether or not *prima facie* there is a human rights violation
- Collect all existing documents, such as media reports, and strengthen understanding about the context and nature of issues involved
- Identify the objectives of the fact-finding mission
- The purpose of a fact-finding mission need not be restricted only to gather information.
- Fact-findings can also be organised for the purpose of advocacy
- Understand the social dynamics and the barriers that might be faced in gathering information. Make a plan for dealing with gate-creepers.
- Based upon the objectives, identify the composition of the fact-finding team. If the objective is to gather facts relating to a complaint, then the team can be comprised of lawyers, activists and staff of an organisation. However, if a fact-finding is to be organised on a high profile case and it is expected that the fact-finding team would release a statement or organise a press briefing, then it might be good to include eminent persons or experts in the fact-finding team.
- Make a plan for collecting evidence. Include the local contacts in the planning.
- Inform officials about the fact-finding mission
- Collect statements from the people being interviewed, get the statements signed in presence of witnesses if possible
- Obtain the copies of all necessary documents, such as copies of police reports, etc.
- Plan the release of the interim report
- Plan the release and dissemination of the final report

Reference Documents

Handout 1: The International Bill of Human Rights

The International Bill of Human Rights recognises that every individual is entitled to

1. Equality of right without discrimination
2. Life
3. Liberty and security of person
4. Protection against slavery
5. Protection against torture and cruel and inhuman punishment
6. Recognition as person before the law
7. Equal protection of the Law
8. Access to legal remedies for rights violations
9. Protection against arbitrary arrest or detention
10. Hearing before an independent and impartial judiciary
11. Presumption of innocence
12. Protection against ex post facto laws
13. Protection of privacy, family and home
14. Freedom of movement and residence
15. Seek asylum from persecution
16. Nationality
17. Marry and found a family
18. Own property
19. Freedom of thought, conscience and religion
20. Freedom of opinion, expression and the press
21. Freedom of Assembly and Association
22. Political participation
23. Social security
24. Work under favorable conditions
25. Free trade union
26. Rest and leisure
27. Food, clothing and housing
28. Health care and social services
29. Special protection for children
30. Education
31. Participation in cultural life
32. A social and international order needed to realize rights
33. Self – determination
34. Humane treatment when detained or imprisoned
35. Prohibition against arbitrary expulsion of aliens
36. Protection against advocacy of racial or religious hatred
37. Protection of minority culture

Handout 2: Importance of Collecting Information,

Human Rights Protection: The First Line of Defense

*Jonathan Kutab*¹

“Awareness of human rights and the international atmosphere supporting the protection of those rights, at least as an ideal, creates an atmosphere in which it is in fact possible to work and to work effectively on behalf of human rights in a variety of ways that were unthinkable in the early part of this century and certainly before that...

At the heart of this distinction is the recognition that every government and every regime, however tyrannical and dictatorial, nonetheless does not wish to be thought of as being a violator of human rights. ...

This means that, of necessity, human rights violators require secrecy and must control information and access to information in order to carry out the oppression without concern for the reaction of the international community...

We, on the other hand, who stand ready to do battle for the protection of human rights must learn from the above that information documentation, and dissemination of accurate details of the violations of human rights remain our single most powerful and most effective weapon in fighting for human rights. We do not have armies and weapons doing our bidding, we do not have the bureaucratic machinery of the states and the governments at our disposal; we do not have the economic resources for coercion and imposition of our views.

To be an effective first line of defense in protection of human rights, we must first insist on the quality of the information we gather. Our information must be truthful, accurate, and detailed. We must never forget that our adversaries have tremendous resources and direct access to the media and news agencies which always feel compelled to at least to give the authorities' version of every event. Therefore, our use of information and documentation in protection of human rights can only be as effective as that information is accurate, detailed, credible and reliable. To the extent that our information is not of a sufficiently high quality, the authorities will certainly be able to point out its deficiency and use that fact to discredit our entire efforts...

Secondly we must find effective means of disseminating the information that we gathered. Information, however, accurate and reliable that sits on our shelves is of no use to anyone. Our

¹ Extract taken from HURIDOCS News, N0. 12, May 1993

information must be widely disseminated and it must carefully target the audience that we feel can be effective in bringing about pressure on the violators of human rights. Reports of human rights violations must lend themselves not only to individual appeal as specific cases but also to statistical studies and data collection that enables that arriving at conclusions and a policy statements and arguments. To state that a particular outrage occurred in a particular village does not necessarily puts an end to the possibility of its repetition. Only when one can argue that a certain practice is wide spread, policy of the state involved can one bring to bear pressure on that state or regime to put an end to that practice. Otherwise our effort will be a belated epithet rather than an effective first line of defense...

I must caution that the existence of human rights organization and their effective use of documentation and dissemination of accurate and detailed information by itself will never be enough. It is only the first line of defense of human rights. Effective action must then be undertaken by citizen groups and organizations within the country or other countries to put tangible pressure upon the oppressors to cease their violations human rights. **Nonetheless, it is an essential first line of defense.**”

Handout 3: Identifying Sources of Information

Authorities must ensure justice for protester beaten by police

28 May 2019, 00:01 UTC

Algeria's authorities must ensure the investigation into the death of protester Ramzi Yettou, 22, who was brutally beaten by police last month, is thorough, independent, impartial, and effective, said Amnesty International. The organization has gathered evidence including testimony from three eyewitnesses, a first-aid volunteer, two family members, two lawyers and a doctor which suggests Ramzi's death on 19 April resulted from the injuries he sustained after being beaten by the police with baton sticks.

According to the information available to Amnesty International, Ramzi was beaten on the head by police as he was about to head home after attending anti-government protests in central Algiers that were dispersed by security forces using teargas and water cannons on 12 April 2019.

"Eyewitness accounts strongly suggest that Ramzi Yettou was brutally beaten on the head by police, causing injuries that appear to have led to his death. Algeria's authorities have a dire track record of not holding members of the security forces to account for human rights violations, which makes it all the more crucial for them to ensure that the investigation into Ramzi's death is meaningful," said Magdalena Mughrabi, Deputy Middle East and North Africa Director at Amnesty International.

Amnesty International reviewed a copy of a police report authorizing Ramzi's burial which cited the cause of death as "undetermined", prompting Algeria's prosecutor to order an investigation into the circumstances of his death.

"Ordering an investigation into Ramzi Yettou's death is only the first step towards justice. It is crucial that the investigation is independent, impartial and effective and that police officers involved are suspended while the investigation is ongoing. Failing to hold the perpetrators behind Ramzi Yettou's death to account will only embolden the police and send the message that they are free to operate above the law and that they can commit crimes without facing any consequences."

Ramzi was about to head home to the town of Bougara (Blida) after attending a protest in Algiers on the afternoon of 12 April with approximately five friends. Police stopped the truck they were travelling in after the driver attempted to drive down a street in the wrong direction. When the police attacked them, some of the group managed to flee and others were beaten with sticks. Before he lost consciousness, Ramzi told a first aid volunteer who found him lying on the ground with blood on his jacket that he had been beaten by police.

According to the volunteer, his nose was bruised, and he had a small superficial injury measuring around a centimeter under his eyebrows that was not bleeding. The first aid volunteer asked police to call an ambulance, which arrived around 30 minutes later and transferred him to the Mustapha Bacha hospital where he underwent head surgery because of internal bleeding. He never regained consciousness and died on Friday 19 April.

Ramzi and his friends made the 50 km trip to Algiers every Friday to protest since demonstrations against the country's ruling elite and political system started earlier this year.

<https://www.amnesty.org/en/latest/news/2019/05/algeria-authorities-must-ensure-justice-for-protester-beaten-by-police/>

Handout 4: International Human Rights Standards on Freedom of Religion or Belief

Freedom of Religion or Belief: International Human Rights Standards A Brief Summary

The human rights standards upholding the right to freedom of religion can be examined under five dimensions;

1. Freedom of Religion or Belief
 - a. Freedom to adopt, change or renounce a religion or belief
 - b. Freedom from coercion
 - c. The right to manifest one's religion or belief
 - i. Freedom to worship
 - ii. Places of worship
 - iii. Religious symbols
 - iv. Observance of holidays and days of rest
 - v. Appointment of clergy
 - vi. Teaching and disseminating materials
 - vii. The right of parents to ensure the religious and moral education of their children
 - viii. Communication with individuals and communities on religious matters
 - ix. Establish and maintain charitable and humanitarian
 - x. Registration
 - xi. Conscientious objection
2. Discrimination.
 - a. Discrimination on the basis of religion or belief / inter-religious discrimination / tolerance
 - b. State religion
3. Vulnerable groups
 - a. Women
 - b. Persons deprived of their liberty

- c. Refugees
- d. Children
- e. Minorities
- f. Migrant workers

- Intersection with other rights
 - a. Right to life, right to liberty
 - b. Prohibition on torture, and other cruels, inhuman or degrading treatment or punishment,
 - c. Freedom of expression including questions related to religious conflicts, religious intolerance and extremism,

- Cross cutting issues.
 - a. Derogation
 - b. Limitation
 - c. Legislative issues
 - d. Defenders of freedom religion or belief

(Adapted from summary available at <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Standards.aspx>)

The present document examines each of these dimensions briefly.

1 Freedom of Religion or Belief		
a	Freedom to adopt, change or renounce a religion or belief	<p>UDHR</p> <p>“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief [...]”</p> <p>ICCPR</p> <p>Art. 18 (1): “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice [...]”</p> <p>1981 Declaration of the General Assembly</p> <p>Art. 1 (1): “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice [...]”</p> <p>Human Rights Committee general comment 22</p> <p>Para . 3: “Article 18 does not permit any limitations whatsoever on the freedom of thought and conscience or the freedom to have or adopt a religion or belief of one’s choice; “</p> <p>Para . 5: “The Committee observes that the freedom to ‘have or to adopt’ a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views, as well as the right to retain one’s religion or belief.”</p>
b	Freedom from coercion	<p>UDHR</p> <p>“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom [...] either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”</p>

		<p>ICCPR</p> <p>Art. 18 (2): “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” 1981 Declaration of the General Assembly</p> <p>Art. 1 (2): “No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.”</p> <p>Human Rights Committee general comment 22</p> <p>Para . 5: “Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article</p> <p>18.2. The same protection is enjoyed by holders of all beliefs of a non- religious nature.”</p>
c	<p>The right to manifest one’s religion or belief</p>	<p>ICCPR</p> <p>Art. 18 (1): “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”</p> <p>Art. 18 (3): “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”</p>

1981 Declaration of the General Assembly

Art. 1 (1): “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Art. 1 (3): “Freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.”

Human Rights Committee general comment 22

Para . 4: “The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae, and objects, the display of symbols, and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language, customarily spoken by a group. In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.”

c.i	Freedom to worship	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (a): The right to freedom of thought, conscience, religion or belief includes the freedom, “To worship or assemble in connection with a religion or belief [...]”;</p> <p>Art. 6 (c): The right to freedom of thought, conscience, religion or belief includes the freedom, “To make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief;”.</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: “The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including [...] the use of ritual formulae, and objects [...]”.</p>
c.ii	Places of worship	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (a): The right to freedom of thought, conscience, religion or belief includes the freedom, “To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;”.</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: “The concept of worship extends to [...] the building of places of worship.</p>
c.iii	Religious symbols	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (c): The right to freedom of thought, conscience, religion or belief includes the freedom, “To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;”.</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: “The concept of worship extends to [...] the display of symbols”.</p> <p>Para . 4: “The observance and practice of religion or belief may include not only ceremonial acts but also such customs as [...] the wearing of distinctive clothing or head coverings [...]”.</p>

c.iv	Observance of holidays and days of rest	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (h): The right to freedom of thought, conscience, religion or belief includes the freedom, “To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one’s religion or belief;”.</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: “The concept of worship extends to [...] the observance of holidays and days of rest.”</p>
c.v	Appointing clergy	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (g): The right to freedom of thought, conscience, religion or belief includes the freedom, “To train, appoint, elect or designate by succession appropriate leaders [...]”.</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: “In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers [...]”.</p>
c.vi	Teaching and disseminating materials (including missionary activity)	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (d): The right to freedom of thought, conscience, religion or belief includes the freedom, “To write, issue and disseminate relevant publications in these areas;”.</p> <p>Art. 6 (e): The right to freedom of thought, conscience, religion or belief includes the freedom, “To teach a religion or belief in places suitable for these purposes.”</p> <p>Human Rights Committee general comment 22</p> <p>Para . 4: “In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, [...] the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.”</p>

c.vii	The right of parents to ensure the religious and moral education of their children	<p>ICCPR</p> <p>Art. 18 (4): “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”</p> <p>CRC</p> <p>Art. 14 (2): “States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child [...] (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;”</p> <p>ICESCR</p> <p>Art. 13 (3): “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to [...] ensure the religious and moral education of their children in conformity with their own convictions.”</p> <p>Migrant Workers Convention</p> <p>Art. 12 (4): “States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”</p> <p>1981 Declaration of the General Assembly</p> <p>Art. 5:</p> <ol style="list-style-type: none"> 1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.
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	<p><i>Continued...</i></p> <p>The right of parents to ensure the religious and moral education of their children</p>	<p>2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.</p> <p>3. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.</p>
c.viii	<p>Communicate with individuals and communities on religious matters at the national and international level</p>	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (i): The right to freedom of thought, conscience, religion or belief includes the freedom, "To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels."</p>
c.ix	<p>Establish and maintain charitable and humanitarian institutions/ solicit and receive funding</p>	<p>1981 Declaration of the General Assembly</p> <p>Art. 6 (b): The right to freedom of thought, conscience, religion or belief includes the freedom, "To establish and maintain appropriate charitable or humanitarian institutions;"</p> <p>Art. 6 (f): The right to freedom of thought, conscience, religion or belief includes the freedom, "To solicit and receive voluntary financial and other contributions from individuals and institutions."</p>

c.x	Registration	<p>Commission on Human Rights resolution 2005/40 (paragraphs 4 (c) and 4 (e)) and Human Rights Council resolution 6/37 (paragraphs 12 (e) and 12 (h))</p> <p>Urges States, “To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;”.</p> <p>Urges States, “To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom for all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected.”</p>
c.xi	Conscientious objection	<p>Human Rights Committee general comment 22</p> <p>Para . 11: “Many individuals have claimed the right to refuse to perform military service (conscientious objection) on the basis that such right derives from their freedoms under article 18. In response to such claims, a growing number of States have in their laws exempted from compulsory military service citizens who genuinely hold religious or other beliefs that forbid the performance of military service and replaced it with alternative national service. The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one’s religion or belief. When this right is recognized by law or practice, there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there shall be no discrimination against conscientious objectors because they have failed to perform military service. The Committee invites States parties to report on the conditions under which persons can be exempted from military service on the basis of their rights under article 18 and on the nature and length of alternative national service.”</p>

2	DISCRIMINATION	
2. a	<p>Discrimination on the basis of religion or belief/ inter-religious discrimination/ tolerance</p>	<p>ICCPR</p> <p>Art. 2 (1): "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 [...] religion [...]."</p> <p>Art. 5 (1): "Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant."</p> <p>Art. 26: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion [...]."</p> <p>Art. 27: " In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."</p> <p>ICERD</p> <p>Art. 5: "[...] States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...] (d) Other civil rights, in particular: [...] (vii) The right to freedom of thought, conscience and religion".</p> <p>ICESCR</p> <p>Art. 2 (2): "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind such as [...] religion [...]."</p>

<p><i>Continued...</i></p> <p>Discrimination on the basis of religion or belief/ inter-religious discrimination/ tolerance</p>	<p>CRC</p> <p>Art. 30: “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”</p> <p>1981 Declaration of the General Assembly</p> <p>Art. 2 (1): “No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.”</p> <p>Art. 3: “Discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.”</p> <p>Art. 4 (1): "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life."</p> <p>Art. 4 (2): "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter."</p> <p>Human Rights Committee general comment 22</p> <p>Para . 2: "The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community."</p>
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2.b	State religion	<p>Human Rights Committee general comment 22</p> <p>Para . 9: “The fact that a religion is recognized as a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents to other religions or non- believers.</p> <p>In particular, certain measures discriminating against the latter, such as measures restricting eligibility for government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths, are not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26.</p> <p>The measures contemplated by article 20, paragraph 2, of the Covenant constitute important safeguards against infringement of the rights of religious minorities and of other religious groups to exercise the rights guaranteed by articles 18 and 27, and against acts of violence or persecution directed towards those groups.</p> <p>The Committee wishes to be informed of measures taken by States parties concerned to protect the practices of all religions or beliefs from infringement and to protect their followers from discrimination. Similarly, information as to respect for the rights of religious minorities under article 27 is necessary for the Committee to assess the extent to which the right to freedom of thought, conscience, religion and belief has been implemented by States parties. States parties concerned should also include in their reports information relating to practices considered by their laws and jurisprudence to be punishable as blasphemous.”</p> <p>Para . 10: “If a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of ruling parties, etc., or in actual practice, this shall not result in any impairment of the freedoms under article 18 or any other rights recognized under the Covenant nor in any discrimination against persons who do not accept the official ideology or who oppose it.”</p>
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3 VULNERABLE GROUPS		
3.a	Women	<p>ICCPR</p> <p>Art. 5 (1): “Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.”</p> <p>Art. 18 (3): “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”</p> <p>CEDAW</p> <p>Art. 2: “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <ol style="list-style-type: none"> a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle; b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

	<p><i>Continued...</i></p> <p>Women</p>	<ul style="list-style-type: none"> e. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; g. To repeal all national penal provisions which constitute discrimination against women.” <p>Art. 3: “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”</p> <p>ICESCR</p> <p>Art. 2 (2): “The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</p> <p>Human Rights Committee general comment 28</p> <p>Para . 13: “States parties should provide information on any specific regulation of clothing to be worn by women in public. The Committee stresses that such regulations may involve a violation of a number of rights guaranteed by the Covenant, such as: article 26, on non- discrimination; article 7, if corporal punishment is imposed in order to enforce such a regulation; article 9, when failure to comply with the regulation is punished by arrest; article 12, if liberty of movement is subject to such a constraint; article 17, which guarantees all persons the right to privacy without arbitrary or unlawful interference; articles 18 and 19, when women are subjected to clothing requirements that are not in keeping with their religion or their right of self-expression; and, lastly, article 27, when the clothing requirements conflict with the culture to which the woman can lay a claim.”</p>
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<p><i>Continued...</i></p> <p>Women</p>	<p>Para . 19: “The right of everyone under article 16 to be recognized everywhere as a person before the law is particularly pertinent for women, who often see it curtailed by reason of sex or marital status. This right implies that the capacity of women to own property, to enter into a contract or to exercise other civil rights may not be restricted on the basis of marital status or any other discriminatory ground. It also implies that women may not be treated as objects to be given, together with the property of the deceased husband, to his family. States must provide information on laws or practices that prevent women from being treated or from functioning as full legal persons and the measures taken to eradicate laws or practices that allow such treatment.”</p> <p>Para. 21: “States parties must take measures to ensure that freedom of thought, conscience and religion, and the freedom to adopt the religion or belief of one’s choice - including the freedom to change religion or belief and to express one’s religion or belief - will be guaranteed and protected in law and in practice for both men and women, on the same terms and without discrimination. These freedoms, protected by article 18, must not be subject to restrictions other than those authorized by the Covenant and must not be constrained by, inter alia, rules requiring permission from third parties, or by interference from fathers, husbands, brothers or others. Article 18 may not be relied upon to justify discrimination against women by reference to freedom of thought, conscience and religion; States parties should therefore provide information on the status of women as regards their freedom of thought, conscience and religion, and indicate what steps they have taken or intend to take both to eliminate and prevent infringements of these freedoms in respect of women and to protect their right not to be discriminated against.”</p>
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3.b	<p>Persons deprived of their liberty</p>	<p>Human Rights Committee general comment 22</p> <p>Para . 8: “Persons already subject to certain legitimate constraints, such as prisoners, continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the specific nature of the constraint. States parties’ reports should provide information on the full scope and effects of limitations under article 18.3, both as a matter of law and of their application in specific circumstances.”</p> <p>Standard Minimum Rules for the Treatment of Prisoners</p> <p>Rule 41:</p> <p>“(1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.</p> <p>(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.</p> <p>(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.”</p> <p>Rule 42: “So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.”</p>
3.c	<p>Refugees</p>	<p>Convention relating to the Status of Refugees</p> <p>Art. 4: “The Contracting State shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.”</p>

		<p>Art. 33: “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”</p>
3.d	Children	<p>CRC</p> <p>Art. 14 (1): “States Parties shall respect the right of the child to freedom of thought, conscience and religion.”</p> <p>Art. 14 (2): “States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child [...] (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;”</p> <p>Art. 30: “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”</p> <p>1981 Declaration of the General Assembly</p> <p>Art. 5 (3): “The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.”</p> <p>Art. 5 (5): “Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.”</p>

3.e	Minorities	<p>ICCPR</p> <p>Art. 27: “ In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”</p> <p>CRC</p> <p>Art. 30: “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”</p>
3.f	Migrant Workers	<p>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</p> <p>Art. 12 (1): “Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching.”</p> <p>Art. 12 (2): “Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice.”</p> <p>Art. 12 (4): “States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”</p>

4 INTERSECTION OF FREEDOM OF RELIGION OR BELIEF WITH OTHER HUMAN RIGHTS		
4.a	Right to life, right to liberty	<p>ICCPR</p> <p>Art. 6: “1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.</p> <p>2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.”</p> <p>Art. 9 (1): “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”</p> <p>Commission on Human Rights resolution 2005/40 (paragraph 4 (f)) and Human Rights Council 6/37 (paragraph 9 (i))</p> <p>Urges States to ensure that on account of religion or belief “no one within their jurisdiction is deprived of the right to life, liberty, or security of person, [...] subjected to torture or arbitrary arrest or detention [...] and to bring to justice all perpetrators of violations of these rights;”.</p>
4.b	Prohibition on torture and other cruel, inhuman or degrading treatment or punishment	<p>ICCPR</p> <p>Art. 7: “ No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”</p> <p>Convention against Torture</p> <p>Art. 1: “ For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as [...] punishing him for an act he or a third person has committed or is suspected of having committed, [...] or for any reason based on</p>

	<p><i>Continued...</i></p> <p>Prohibition on torture and other cruel, inhuman or degrading treatment or punishment</p>	<p>discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”</p> <p>Art. 16: “ Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”</p>
<p>4.c</p>	<p>Freedom of expression including questions related to religious conflicts, religious intolerance and extremism</p>	<p>ICCPR</p> <p>Art. 19:</p> <p>“1. Everyone shall have the right to hold opinions without interference.</p> <p>Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</p> <p>Art. 20:</p> <p>“1. Any propaganda for war shall be prohibited by law.</p> <p>2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”</p> <p>Human Rights Committee general comment 22</p> <p>Para . 7: “In accordance with article 20, no manifestation of religion or belief may amount to propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. As stated by the Committee in its general comment 11 [19], States parties are under the obligation to enact laws to prohibit such acts.”</p>

5 CROSS CUTTING ISSUES		
5.a	Derogation	<p>ICCPR</p> <p>Art. 4 (1): “In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.”</p> <p>Art. 4 (2): “No derogation from articles [...] 18 may be made under this provision.”</p>
5.b	Limitation	<p>ICCPR</p> <p>Art. 18 (3): “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.”</p> <p>CRC</p> <p>Art. 14 (3): “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.”</p> <p>Migrant Workers Convention</p> <p>Art. 12 (3): “Freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.”</p> <p>Human Rights Committee general comment 22</p> <p>Para . 8: “Article 18.3 permits restrictions on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p>

	<p>Continued...</p> <p>Limitation</p>	<p>The freedom from coercion to have or to adopt a religion or belief and the liberty of parents and guardians to ensure religious and moral education cannot be restricted.</p> <p>In interpreting the scope of permissible limitation clauses, States parties should proceed from the need to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination on all grounds specified in articles 2, 3 and 26.</p> <p>Limitations imposed must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18.</p> <p>The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security.</p> <p>Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.</p> <p>Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.</p> <p>The Committee observes that the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition. [...]”.</p>
5.c	Legislative issues	<p>ICCPR</p> <p>Art. 2 (2): “Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”</p>

	<p><i>Continued...</i></p> <p>Legislative issues</p>	<p>ICESCR</p> <p>Art. 2 (1): “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”</p> <p>CEDAW</p> <p>Art. 3: “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”</p> <p>1981 Declaration of the General Assembly</p> <p>Art. 4 (2): “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination.”</p> <p>Art. 7: “The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.”</p>
5.d	<p>Defenders of freedom of religion or belief and non-governmental organizations</p>	<p>Commission on Human Rights resolution 2005/40 (paragraph 17) and General Assembly resolution 64/164 (paragraph 13) “Welcomes and encourages the continuing efforts of non-governmental organizations and bodies and groups based on religion or belief to promote the implementation of the Declaration on the Elimination of All Forms of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;”.</p>

Handout 5: Applying International Human Rights Standards

Joint NGO Statement on Torture and Trials in Turkmenistan

1. Credible reports of the arrest, torture, conviction following unfair trials, and imprisonment under inhumane conditions of 18 men in Turkmenistan have been provided to Amnesty International and Human Rights Watch. The sentences, from 12 to 25 years, were handed down in a closed, two-hour trial, and set out in a summary of the verdict that lacks any information about the specific acts the men are accused of committing or the evidence against them.
2. Alternative Turkmenistan News, Amnesty International, Crude Accountability, Human Rights Watch, International Partnership for Human Rights (IPHR), Norwegian Helsinki Committee, and Turkmen Initiative for Human Rights (TIHR) call on the authorities to immediately release the 18 men, and quash their convictions. The authorities should also ensure that no-one is subjected to further torture or other ill-treatment, or isolated from their loved ones and lawyers. Turkmenistan's international partners, including the European Union, its member states, the US government, UN human rights agencies, and the Organization for Security and Cooperation in Europe, should intervene with the Turkmen authorities to urge them to release the 18 men and ensure their safety.
3. For years, the Turkmenistan government has closed the country to international scrutiny by human rights monitors, but its repressive policies and long record of ruthless and violent retaliation against people who speak out about government abuse have been documented over the years. Although Human Rights Watch and Amnesty International have spoken with several people close to the case, it has been impossible to verify many details about the arrest and treatment of the 18 men. However, the information received follows a documented pattern of torture, unfair trials, and persecution of people the Turkmen authorities suspect of dissent. There is reason to believe that all 18 have been denied access to legal counsel of their choice and denied a fair trial, and that they almost certainly were beaten or otherwise physically harmed.

Incommunicado Detention, Torture

4. Media reports said that the men were among over 100 people detained in September and October, 2016 over suspected links to the Turkmen-Turkish schools or the International Turkmen-Turkish University, which are understood to have previously been affiliated with Fethullah Gülen and the global Islamic movement, Hizmet. Sixteen of the 18 convicted men either went to universities in Turkey or had been teachers, alumni, or staff at schools

that are believed to have been affiliated with Gülen and Hizmet². Of the remaining two, one was a supporter of the schools and another taught at a school run by alleged Hizmet sympathizers.

5. They were detained by the 6th Department, the unit to combat organized crime in the Internal Affairs Ministry. While most of those detained were subsequently released, these 18 men were held in a pre-trial detention center in Yashlyk, Ahal province, until their trial in February 2017.
6. Human Rights Watch and Amnesty International received allegations that the 18 men were tortured and held in inhumane conditions in pre-trial detention. The information suggests that the men were held naked in darkened rooms for long periods and repeatedly beaten. A 19th man detained at the same time may have died as a result of torture, but this has been impossible to confirm.
7. The 18 men were held incommunicado, and their families were unable to obtain information through official channels about where they were being held and why they had been arrested. Relatives of at least some of the men eventually learned where they were held through unofficial sources, but were not able to visit them.
8. Turkmenistan is a party to the International Covenant on Civil and Political Rights (ICCPR), and to the UN Convention Against Torture, both of which prohibit torture. Article 10 of the ICCPR also states that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

Fair Trial Violations

9. The trial of the 18 men, held on February 8 apparently fell far short of international standards.
10. The hearing was held at the pre-trial detention center in Yashlyk. Only four lawyers, presumably appointed by the government, represented the entire group. Based on the information received, the trial lasted just two hours, and consisted of reading out the verdict. It is not known whether the men’s lawyers had the time and facilities to prepare a defense, or whether they were able to present any evidence or arguments in defense of their clients. No family members were allowed to attend the closed hearing.

² Fergana News, “Turkmen authorities persecute businessmen, teachers for Gülen links”, 24 November 2016, <http://enews.fergananews.com/news.php?id=3185&mode=snews> (accessed 29 March 2017); Nick Ashdown, “Turkmenistan Cracking Down on Gülen Followers”, Eurasianet, 8 December 2016, <http://www.eurasianet.org/node/81611> (accessed 29 March 2017).

11. If the government needed to present classified evidence, under Turkmen law it could have taken measures to withhold that evidence from the hearing, and told the court it was doing so.
12. A summary of the verdict provided to the defendants to prepare an appeal, which the organizations have reviewed, provides no information about the specific acts the defendants allegedly carried out to warrant the charges or about the evidence presented against the defendants. The defendant's families apparently have not been able to obtain the full verdict, because the authorities have classified it for reasons they have not revealed.
13. The summary verdict document says that eight of the men were charged under Article 177, Part 3 (Incitement of social, ethnic or religious hatred) and Article 275, Part 2 (Creation of an organized group, criminal association or other criminal structures or participation in their activity) and Article 275¹, Part 2 (Financing a criminal structure) of the Criminal Code, and nine were charged under Article 177, part 3, Article 275, Part 3, and Article 275¹, Part 3. One was charged under Article 136, Part 3 (Sexual offenses against a minor), Article 177, part 3, and Article 275¹, Part 2.
14. The 18 men appealed the convictions. On March 15 the Supreme Court upheld the convictions and sentences.
15. Article 14(1) of the ICCPR provides that "everyone shall be entitled to a fair and public hearing". The media and the public may only be excluded in prescribed narrowly defined circumstances. To guarantee this right, courts should make information about the time and place of the hearings available to the parties and the public, and provide adequate facilities in an easily accessible place. While there are a number of specific, narrowly defined, circumstances under which hearings in a criminal case may be restricted, including on national security grounds, states do not have unrestricted discretion to define what constitutes an issue of national security. The UN special rapporteur on human rights and counterterrorism has reiterated that restrictions on the right to a public hearing on grounds of national security should occur only when strictly necessary. To guarantee fairness, "they should be accompanied by adequate mechanisms for observation or review".³

Prison Sentences and Property Confiscation

16. Nine of the 18 men were sentenced to 25 years in prison, with the first five years in a closed prison, and the rest in a strict-regime prison colony. The remaining nine men were sentenced to 12 years in a strict-regime prison colony.

³ UN General Assembly, "Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism", A/63/223, UN General Assembly, New York, 2008, para.30.

17. The court also ordered confiscation of their and their families' property, which has included household and personal items belonging to their family members, most of whom have young children.

Rights Violations in Turkmenistan

18. It is very difficult to verify the true extent of human rights violations in Turkmenistan, due to difficulties in accessing information from within the country and the fact that the country remains closed to international scrutiny. Turkmenistan has rejected or failed to respond to requests from various UN special rapporteurs to visit, as well as requests to visit by human rights organizations including Amnesty International and Human Rights Watch. However, verifiable accounts that are available indicate that people in Turkmenistan live in an environment in which human rights violations are severe and routine.

Torture, Prison Conditions

19. Turkmenistan reported to the UN Committee Against Torture in 2016, and in its concluding observations, the committee noted its concern at "consistent allegations of widespread torture and ill-treatment, including severe beatings, of persons deprived of their liberty, especially at the moment of apprehension and during pre-trial detention, mainly in order to extract confessions".⁴ The committee also noted the failure of the government to investigate reports of torture and hold those responsible accountable, and urged the authorities to "[e]nsure that impartial investigations are opened promptly into [the] allegations of torture," including those made by the 18 men (as well as the 19th man who may have since died).⁵
20. In spite of the government's tight control of information, Amnesty International and Human Rights Watch have continued to receive credible reports of torture and other ill-treatment by law enforcement officials. A 2013 report by Amnesty International documented reports of torture and other ill-treatment that included pushing needles under fingernails; electric shocks; asphyxiation applied with a plastic bag or gas mask to which the air supply is cut; sexual violence; forcibly administering psychotropic drugs; beating with batons, truncheons, or plastic bottles filled with water; punching; kicking; food and water deprivation; and exposure to extreme cold. Reports of torture and other ill-treatment in prisons also included forcing a prisoner to swallow pills and making threats against his family, forced rape between prisoners, and shackling prisoners serving life

⁴ UN Committee Against Torture, "Concluding observations on the second periodic report of Turkmenistan", CAT/C/TKM/CO/2, UN Committee Against Torture, Geneva, 2017, para.7.

⁵ Committee Against Torture, "Concluding observations on the second periodic report of Turkmenistan", CAT/C/TKM/CO/2, UN Committee Against Torture, Geneva, 2017, para.8.

sentences.⁶ Fear of repercussions and widespread impunity normally prevent people from speaking out.

21. In 2016, former prisoners reported poor prison conditions and treatment in detention amounting to torture and other ill-treatment to Alternative Turkmenistan News, a news platform based in Europe. These accounts said that prison officers beat prisoners and forced them to stand outside for long periods in high temperatures. Prison officers also practiced extortion. Prisons were overcrowded, lacked adequate bathing and toilet facilities, and did not provide prisoners with enough food. Some prisoners had to sleep on the floor or in the prison yard. Tuberculosis rates were high among prisoners and appropriate treatment was frequently unavailable.⁷ In its concluding observations, the Committee Against Torture also expressed concern at “the use of solitary confinement and the reduced regime for persons placed in solitary confinement, which has resulted in mental health problems and suicides”.⁸

Rights to Freedom of expression, Peaceful Assembly, Association, and Movement

22. The Turkmen authorities consistently harass Turkmen human rights activists and journalists, both within the country and in exile. The country has no genuine independent media, and de facto censorship is extensive. People are barred from subscribing to foreign media outlets, and the authorities tightly regulate, monitor, and restrict access to the internet and frequently block social media websites and mobile platforms. The authorities harass and intimidate independent journalists and human rights defenders. Independent organizations and other associations cannot operate freely. The authorities arbitrarily bar people from traveling abroad, and frequently evict people from their homes without providing adequate, or at times any, compensation.

Turkmen-Turkish Schools and the International Turkmen-Turkish University

23. All of the 18 men are graduates, former teachers, or otherwise linked to Turkmen-Turkish schools or the International Turkmen-Turkish University. These schools were originally set up by foundations which are understood to have previously been linked to Fethullah Gülen and the global Islamic movement, Hizmet.

⁶ Amnesty International, *Turkmenistan: An “Era of Happiness” or more of the same repression?*, EUR 61/005/2013, Amnesty International, London, 2013, pp.24-25

⁷ Alternative Turkmenistan News, “Туркменистан: О бедственном положении заключенных в колонии г. Теджен” [“Turkmenistan: on the dismal conditions for prisoners in the prison colony in the town of Tedzhen”], 24 August 2016, <https://habartm.org/archives/5557> (accessed 2 May 2017).

⁸ committee Against Torture, “Concluding observations on the second periodic report of Turkmenistan”, CAT/C/TKM/CO/2, UN Committee Against Torture, Geneva, 2017, para.23

24. Schools that are believed to be affiliated with Hizmet have operated throughout Central Asia since the early 1990s. The movement has many adherents in the region. The first schools were opened in Turkmenistan 1993. Most were closed by 2011.⁹ The International Turkmen-Turkish University was also established in 1993, with the first students arriving in 1994. It was closed on the order of President Gurbanguly Berdymukhamedov in August 2016.¹⁰ Many businesses owned by former graduates of the Turkmen-Turkish schools or the International Turkmen-Turkish University have also been forcibly closed. These included businesses owned by some of the 18 imprisoned men.¹¹ Gülen is accused by Turkish authorities of orchestrating the failed coup that took place in Turkey in July 2016 and schools, charities, and other organizations thought to be affiliated with Hizmet have been forcibly closed down in Turkey. Gülen denies the accusation that he is responsible for the coup attempt.

⁹ Nick Ashdown, “Turkmenistan Cracking Down on Gülen Followers”, Eurasianet, 8 December 2016, <http://www.eurasianet.org/node/81611> (accessed 29 March 2017).

¹⁰ Ozodagon Information Agency, “В Ашхабаде закрыли Международный туркмено-турецкий университет” (“In Ashgabat the International Turkmen-Turkish University was closed”), 10 August 2016, <http://catoday.org/centrasia/28461-v-ashhabade-zakryli-mezhdunarodnyy-tu...> (accessed 5 April 2017).

¹¹ See: Radio Azatlyk, “Ашхабад: Супермаркет арестованного бизнесмена открылся под новым названием” (“Ashgabat: Supermarket belonging to arrested businessman opens under a new name”), 31 March 2017, <http://rus.azathabar.com/a/28402348.html> (accessed 5 April 2017); Radio Azatlyk, “В Ашхабаде закрылся «Турецкий госпиталь»” (“In Ashgabat the “Turkish Clinic” was closed”), 4 April 2017, <http://rus.azathabar.com/a/28410250.html> (accessed 5 April 2017); Radio Azatlyk, ““Йимпаш” всё-таки поплатился за связи с Гуленом” (““Yimpaş” has in the end paid the price for links to Gulen”), 27 December 2016, <http://rus.azathabar.com/a/28199807.html> (accessed 5 April 2017).

Handout 6: Conducting Interviews

Scenario 1

You are interviewing a women victim alleged to have been assaulted. The victim and her community are alleging that she was assaulted because of her religious identity.

She is separated from her family and is afraid of her safety You came to know about her case through a local contact. You do not have any introduction to the victim

She has agreed to meet you

Interview the victim to establish the facts regarding the allegation.

Scenario 2

You have received access to a person who had witnessed serious abuses committed during a communal attack.

You have obtained access to him through a reliable contact.

He is friendly and forthcoming. However, he is afraid about the consequences of sharing information. .

Conduct an interview to establish facts regarding the communal attack including pattern if any arising from the case.

Handout 7: Standard Recording Format

Example Format

Victim : Individual Group/organization Specify number

Name of Victim:

Gender..... Age..... Nationality..... Citizen.....

Marital Status: 1 .Single 2. Married 3. Widow/widower

Home Address: Village.....Commune.....

District.....Province.....

Tel:Political tendency.....

Occupation:Work

Address :.....

Type of Victim:

1. Activist 2. Villager 3. Employee

4. Journalist 5. Civil Servant 6. lawyer

7. Law Maker 8. Other (Please Specify)

Does the victim agree to share his/her name to media or authorities?

1. Yes 2. No

Does the victim agree to share his/her information to media or authorities?

1. Yes 2. No

Other commets:

.....

.....
Perpetrator: Individual Group/organization Specify number

Name of Perpetrator:

Gender Age Nationality Citizen

Marital Status: 1 .Single 2. Married 3. Widow/widower

Home Address: Village.....

Commune.....

District.....Province.....

Tel:

Political tendency: Occupation:

Work Address :

Type of Perpetrator:

- | | | |
|--|--|---|
| 1. Village officer <input type="checkbox"/> | 2. Commune Officer <input type="checkbox"/> | 3. District Officer <input type="checkbox"/> |
| 4. Provincial Officer <input type="checkbox"/> | 5. National officer <input type="checkbox"/> | 6. Police <input type="checkbox"/> |
| 7. Military Police <input type="checkbox"/> | 8. Armed Force <input type="checkbox"/> | 9. Prison officer <input type="checkbox"/> |
| 10. Court <input type="checkbox"/> | 11. Law Maker <input type="checkbox"/> | 12. Private Security <input type="checkbox"/> |
| 13. Developers <input type="checkbox"/> | 14. Employers <input type="checkbox"/> | 15. Crow Mob <input type="checkbox"/> |
| 16. Unknown <input type="checkbox"/> | 17. Other (Specify) <input type="checkbox"/> | |

Other comments:

.....

.....

3. Source of information

Individual Group/organization Specify number

Name of Source of Information:.....

Gender..... Age..... Nationality..... Citizen.....

Marital Status: 1 .Single 2. Married 3. Widow/widower

Home Address: Village.....Commune.....

District.....Province.....

Tel:

Political tendency: Occupation:

Work Address :.....

Type of Source of Information:

- | | | | | | |
|----------------|--------------------------|---|--------------------------|-----------------------------|--------------------------|
| 1. Victim | <input type="checkbox"/> | 2. Colleague at work of victim | <input type="checkbox"/> | 3. Relative of victims | <input type="checkbox"/> |
| 4. Perpetrator | <input type="checkbox"/> | 5. Colleague at work of perpetrator | <input type="checkbox"/> | 6. Relatives of perpetrator | <input type="checkbox"/> |
| 7. Witness | <input type="checkbox"/> | 8. Provider of layer, medical and financial service to the victim | <input type="checkbox"/> | 9. Reporter | <input type="checkbox"/> |
| 10. Unknown | <input type="checkbox"/> | 11. Other (Please specify) | <input type="checkbox"/> | | |

Does the Does this person agree to share his/her name to media or authorities?
1. Yes 2. No

Does this person agree to share his/her information to media or authorities ?
1. Yes 2. No

Other commets:

.....

Event Information

1. Summary Event Information

1.1 Event Title (concise, memorable etc):

1.2 Place of Event:

Village..... Commune..... District Province.....

1.3 Start Date: End Date :

Act in the Event (Please brief 'Who did what to whom' in the event)

Date Dd/Mm/Yy

Perpetrators (Name as individual and group)

Type of Acts

Victim

(Name as individual and group)

Last Case

Status:.....

5. Event Description(Please describe what happened in as much detail as possible)
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An additional format is usually used when, for a given entity, there is an instance where there are additional details which do not apply to most other instances. For example, not all victims undergo legal proceedings. so it would be a waste of space to include such fields as *court, charges, court case number*, etc. in the main formats, as they would only remain blank most of the time. Thus, the need for an additional format.

IMADR is a global network of minority groups with regional committees and partners in Asia, Europe, North America and Latin America founded in 1988 by marginalised Buraku community in Japan. IMADR Asia Committee (AC) was established in 2001 to initiate networking among civil society activists and human rights defenders in Sri Lanka to promote broadly objectives of the International Convention on the Elimination of Racial Discrimination that forms the basis of the vision and mission of IMADR. In keeping with its broad objectives the AC is networking with regional organizations and networks addressing issues on multiple forms of discrimination of minority women and women's human rights including violence against women, peace and conflicts in South Asia facilitating lobby, advocacy and training.

SAHR is a democratic regional network with a large membership base of people committed to addressing human rights issues at both national and regional levels. SAHR seeks to contribute to the realisation of South Asian peoples' right to participatory democracy, good governance and justice by strengthening regional response, including regional instruments, monitoring human rights violations, reviewing laws, policies and practices that have an adverse impact on human rights and conducting campaigns and programmes on issues of major concern in the region. SAHR comprises both institutional and individual members. An elected bureau works as the organisation's executive body while the membership committee oversees enrolment of members. The SAHR Chairperson and Co-Chairperson are Ms Sultana Kamal of Bangladesh and Mr. Mohamed Latheef of the Maldives respectively. The Secretariat is located in Colombo, Sri Lanka.⁹

Jagaran Nepal -Envisioning 'a just and peaceful society with gender equality' Jagaran Nepal (JN) was established in 2002 AD as a not-for-profit non-governmental organisation (NGO) in Kathmandu District Administration Office (DAO) under Organisation Registration Act- 2034 BS. Since the beginning, JN has been advocating for women's access to decision making of the political, social and economic sphere of the community. Within a short period of time, Jagaran Nepal has established itself as a leading organization working in the sector of women's equal participation in decision making, politics and governance system of every structure of the community and the state. It has introduced and almost established the agenda- Women in Politics- in the country which has been expanded and adopted by various organisations these days. The organization has continuously supported and advocated for human rights, social protection, and the establishment of democratic practices.



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