Session I-Pa 3d

Monitoring Human Rights in Latin America with the Assistance of Statistical Information

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ABSTRACT

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Human rights understood as the right to life became a major public issue in Latin America during the Military dictatorships that proliferated throughout Latin America from the 1960's until the mid 1980's. Monitoring and denouncing gross human rights violations were some of the main task carried out by non-governmental organisations.

The main grievance was for the return of the Rule of the Law, which was expected to mean to guarantee not only access to positive rights but also the protection from further violence perpetrated by the State. The return to democracy did not ensure those gross human rights violations disappeared nor greater implementation of economic and social rights. The agenda of human rights groups grew as the connections and indivisibility of human rights became clear, as the did the awareness about the consequences to people's lives of the lack of fulfilment of such rights.

International reports that presented comparative balances became a very important tool for human rights activists and scholars to monitor the progresses as well as the losses in terms of social economic and political rights. The United Nations Human Development Report played is one such key role instrument to government and concerned citizens alike. It has brought awareness about the interdependency of rights and about the need to have reliable data that is regularly accessible.

At the local level data from the Census Bureau have acquired a major role to public opinion as the media learned to use the information provided as means to pressure public officials to account for public policies.

This new awareness about the key role of information does not mean that the provision of good quality data has become universally available. On the contrary, both scholars and human rights activists are still faced with the challenge to find and sometimes have to generate themselves information that should be routinely provided by government officials. The criminal justice system is one of the most seriously affected areas by the lack of information. Monitoring gross human rights violations remains a critical challenge to human rights scholars and activists as do the monitoring of rights of special groups in the population in particular that of the most vulnerable groups: women, children, racial/ethnic groups, indigenous groups, amongst others. The paper discusses this continued challenge and the means to circumvent it developed by organised groups and by scholars in order to monitor progress or deterioration and to pressure officials into fulfilling their roles as purveyors.

RESUME

Suivi des droits de l'homme en Amérique latine avec l'aide de l'information statistique

Les droits de l'homme, pris dans leur acception de droit à la vie, représentaient une thématique primordiale en Amérique latine sous les dictatures militaires qui ont proliféré dans toute cette région du monde des années 1960 au milieu des années 1980. Le contrôle et la dénonciation des graves violations des droits de l'homme ont parfois même constitué l'une des tâches principales de certaines organisations non gouvernementales.

Le principal sujet des récriminations visait au retour de l'Etat de droit, sensé garantir non seulement l'exercice des droits positifs mais également la protection contre toute forme de violence perpétrée par l'Etat. Le retour à la démocratie n'a cependant pas permis la disparition de ces graves violations des droits de l'homme ni permis une meilleure application des droits économiques et sociaux. L'ordre du jour des groupes de défense des droits de l'homme s'est allongé à mesure que les connexions et l'indivisibilité des droits de l'homme sont devenues plus claires, au même titre que la prise de conscience des conséquences sur la vie des gens et de l'absence d'implémentation de ces droits.

Des rapports internationaux présentant des bilans comparatifs sont devenus un instrument très important pour les activistes des droits de l'homme et pour les intellectuels, qui leur permet de suivre les progrès ainsi que les régressions en matière de droits politiques et économiques et sociaux. Le rapport sur le développement humain des Nations unies constitue un instrument clé tant pour les gouvernements que pour les citoyens engagés. Il a fait prendre conscience de l'interdépendance des droits et de la nécessité à disposer de données fiables aisément accessibles.

Au niveau local, les données du bureau de recensement jouent un rôle majeur pour l'opinion publique dans la mesure où les médias ont appris à utiliser les informations fournies en tant que moyen de pression sur les personnalités publiques et sur les politiques publiques.

Cette nouvelle conscientisation du rôle clé de l'information ne signifie pas pour autant que la condition de fiabilité des données est devenue une caractéristique universelle. Au contraire, tant les intellectuels que les activistes des droits de l'homme doivent toujours relever le défi de chercher et parfois même de produire eux-mêmes des informations qui devraient normalement être mises à disposition par les responsables gouvernementaux. Le système judiciaire est l'un des plus gravement touchés par le manque d'informations. Le contrôle des violations graves des droits de l'homme reste un défi majeur pour les intellectuels et les activistes des droits de l'homme tout comme le contrôle des droits de groupes de population spécifiques et en particulier des groupes les plus vulnérables tels que les femmes, les enfants, les groupes raciaux/ethniques et les groupes indigènes. Le document aborde ce défi permanent ainsi que les moyens permettant de le surmonter élaborés par des groupes organisés et des intellectuels en vue de contrôler les progrès ou la régression et pour exercer des pressions sur les responsables officiels dans l'accomplissement de leur rôle de fournisseurs d'informations.

The historical background of human rights as public issues.

To understand how human rights are being monitored in Latin America today and the role that statistical information plays in such monitoring it is necessary first to understand that the expression human rights underwent a major re-conceptualization in this sub-continent in the last 15 years.

For at least some 20 years the concept of human rights that prevailed in Latin America was that of the protections to citizens from the excessive power of those in government, in particular the protection against gross violations perpetrated by state agents. As result monitoring human rights meant assessing violations perpetrated by the state such as abductions, disappearances, torture of political dissidents, executions amongst others. This kind of monitoring represented great challenges and moreover risks to the people who embraced this task: mostly human rights activists. The Catholic Church, through its Commissions for Justice and Peace, formed in Latin America in the early 1970's, played a key role in gathering information, denouncing abuses and seeking to protect victims. The newsletter Clamor that was produced by the Church did much to record and denounce abuses.

To achieve their purposes such groups had to rely mostly on informal, qualitative sources-information checking was very difficult when not impossible. Activists had to rely on information provided by relatives or friends of victims of such violations. Not all relatives braved coming forth with denounces of abuses that means that there was no way of being sure about what the actual frequencies were- how many were abducted, executed and tortured? How many children were taken away from their parents and handed to members of the ruling elites?

This question continues to haunt human rights activists to this day be it in Chile, in Argentina, in Guatemala, in El Salvador, in Brazil. Moreover it continues to be a pressing issue in Colombia. Similar questions are posed in Peru concerning the activities of the Sendero Luminoso as well as those by officials from government in charge of putting a stop to the Sendero's activities.

As Military dictatorships started, in the 1980's to give away to democratic regimes three developments took place simultaneously:
1-new human rights defence groups emerged with focus on specific vulnerable groups, 2- the agenda of these groups was broadened to include social, economic, cultural and environmental rights in a process that resulted in a re-definition of human rights and 3- academic research about human rights also grew as result of the paradoxical persistence of gross human rights violations throughout the process of democratic consolidation.

1- The new human rights groups

By the mid 1980's when many of the countries, that had endured Military dictatorships, returned to democracy, human rights activists in Latin America continued their monitoring of state actions with two new major objectives: to document the past, in order to prevent the repetition of the gross human rights violations in the future, and to denounce what came to be perceived as continued gross human rights violations perpetrated by state agents against the poorest groups in society. In operational terms it meant to monitor human rights abuses by: a) police forces- such as the use of torture, abductions, disappearances, the abusive use of lethal force; b) paramilitary groups and c) organised groups in society- death squads, lynching mobs.

If before, monitoring human rights focussed on actions by state agents and the sources of information were mostly informal and the information gathered was mostly qualitative, now monitoring human rights meant broadening the focus to cover other groups in society. The new sources of information included the press- now freed from censorship and fear of retaliation, as well as organised groups in society such as non-governmental organisations representing diverse interest groups.

The emergence of such groups were a direct consequence of the lifting of the barriers to collective participation and to social movements. This in turn was also result of the return to democracy. New Constitutions, were produced guaranteeing and encouraging greater collective participation. This fostered the emergence of new organised groups. As result a numerous defence groups with different grievances, representing various groups were formed. Groups representing the interests of children, street children, indians, landless peasants, ethnic groups, environmental protection groups, gays and lesbians amongst others gained strength.

Despite the differences in the constituencies most such groups had at least one common issue: to denounce gross human rights abused committed against their members. This meant they had to gather information about such violations and again had to resort to non-official information. Information came from affected communities, from victims, from their relatives and from the media. What changed was that now there was more technology available and more know how about how to voice their grievances and give it more resonance.

Many data bases were established, networking with international human rights groups was organised and the media used as a source of data as well as means to voice abuses. International courts also became means to denounce abuses and to demand reparations.

Information about gross human rights violations continued to flow from non official sources. Similarly to what took place during the Military dictatorships such information was mostly based on case studies as result information gathering procedures were not standardised since much of the information was still being collected in order to denounce human rights' abuses: who was victimised where and when and by who and what was being done to investigate the case were the priorities.

If at first the priority of such groups was to deter such gross human rights violations soon prevention and monitoring such violations also became major concerns. As they did issues about the quality, reliability and validity of the information as well as in how far the cases represented the state of affairs in their area or whether they were an one-off event, started to gain space in the work of human rights defence groups.

To produce historical series of gross human rights violation considered meant it was necessary to be able to criticise sources - to know the limits of the data and their potential biases. There was now concern, for instance, with principles such as to produce data that could be compared through time in order to identify changes. Sampling issues, quality of the data, validity of the data started to be discussed.

Institutions such as CELS- Centro de Estudios Legales y Sociales in Argentina are representative of this trend. CELS in the early 1990's joined forces with CEDES. an Academic social research institute and this association gave raise to a very important database of human rights monitoring in Argentina in particular one that covers violence perpetrated by the police forces. A

similar process took place in Brazil with the Teotonio Vilela Commission for Human Rights (formed in 1983) joined the Centre for the Study of Violence (established in São Paulo in 1987), in a partnership to monitor gross human rights violations. It is not surprising that the initial cases were not generally treated by statistical methods, but the data bases that followed were. Such new movements also underwent a process of institutionalisation and one that now demanded more than volunteer work. To fund this process of institutional building the movements had to apply to funding agencies and to adapt to the strict their funding requirements. This had a deep impact in their data gathering methods. One such case was that of a major research project on unequal distribution of justice that involved Geledes - a black women's legal defence groups and the Centre for the Study of Violence. This was the first research in Brazil that sought to examine in what extent black and whites that committed the same crime received similar punishment. The research showed the blacks were more punished than whites and opened a broad debate with members of the criminal justice system. In the process a human rights defence group was empowered to carry out complex research projects and ones that involved strict research design and advanced statistical analysis.

This need became more poignant as human rights activists became more and more engrossed in the search for explanation for the continued gross human rights violations and the relations between these and the obstacles for the implementation of other rights: social, economic and cultural in a climate of political freedom and democratic guarantees. If political and civil rights were implemented, how come that others were not? This question was in itself the result of a re-conceptualisation of human rights.

2- The new agenda of human rights defence groups

The new Constitutions, enacted by the democratic regimes in Latin America, gave relevance and visibility to other rights besides political, social and economic ones. Cultural, environmental, ethnic, gender rights came to the forefront. Human rights organisations started to enlarge their mandates to include besides the basic right of protection from arbitrary power of government agents the implementation of all rights. Non-governmental organisations with a mandate to defend street children, that started up as agencies to monitor and to denounce the killings of street children by police forces and by death squads/vigilante groups, enlarged their mandate to cover also the causes for children being on the streets such as the apparent failure by the state to fulfil its Constitutional duties to children's rights: the right to education, to health, the protection from abuse, from work and so forth. The Vienna Conference on Human Rights in 1993 gave official support to this trend as it recognised that human rights now meant not only civil and political rights but social, economic, cultural, ethnic, environmental etc.

The broadening of the agenda of rights, by non-governmental organisations, expressed de facto a re-conceptualisation of the expression "human rights". Human rights was now more than the protection from gross human rights violations and the demand for full respect by governments of the rule of law. Now it meant the fulfilment of rights that were guaranteed in paper: in national Constitutions, in the ratification of International covenants, agreements and pacts.

The evaluation of the progress of implementation of such rights was dependent on the existence of national and international official information. The late 1980's and early 1990 mark the transition on the use made by human rights organisations of existing data to satisfy multiple needs: to explore the roots of the persistence of rights' violations, to establish goals, to measure progress and to assess the performance of the public sector in fulfilling rights as well as to criticise the

quality of the information and to apply pressure for the continued supply of data, to demand that other types of information be available to the public.

3- Academic research on human rights

Researching human rights in Latin America often has meant active involvement with action for respect for human rights. In Chile, Argentina and Brazil researchers are also human rights activists and have contributed to monitoring human rights as well as to understand what made possible gross human rights violations the past as well as at the present. This meant that the analysis of the process of Administration of Justice was a priority. This analysis demanded that some monitoring of gross human rights violations proceeded alongside with the analysis of the performance of this judiciary by means of case studies to answer the question did the judiciary act to punish and thus prevent further violations or not.

There are major difficulties in assessing gross human rights violations due to the unwillingness of authorities to provide data on violations that involve public officials in particular those perpetrated by police agents. Firstly there is a tradition of lack of accountability, secondly there is also a traditional lack of transparency about governmental acts and decisions, that is related to the absence of accountability and that expresses the survival of a certain degree of authoritarianism and thirdly there is suspicion about the public being given access to what is perceived as sensitive data-either because the public is considered to be unprepared to handle this type of data or because the data is considered to be strategic. In sum lack of accountability is rationalised as the incapacity of "the public" to handle the information.

Information about other types of gross human rights violations are lacking because such violations committed by members of the public are registered as criminal offences and not as human rights violations. Such is the case of lynching and actions involving vigilante/death squad groups. Police records will register such cases as homicide cases and not as cases of lynching and or death squads. Monitoring such activities require less orthodox sources. As result data bases fed by newspaper clippings have been organised to fill the need for information. Some such data bases now cover extensive periods as the one maintained by the Centre for the Study of Violence covering 21 years: from the 1st of January 1980 to present and show that gross human rights violations continue to occur.

Also, in time, what at first was not a very reliable, consistent source- the media, as data accumulates allows greater visibility of certain patterns, fostering the development of research hunches and encouraging further exploration. At present the Centre for the Study of Violence gross human rights violations database is providing information to explore the relations between such violations and the violation of other rights such as social economic, cultural and environmental. Gross human rights violations are being mapped with the help of GIS as are the access to other rights. This exercise is generating hypothesis about overlapping deprivations that correlate that can foster gross human rights violations to be tested.

As Academic research on the field has progressed so has the need for secondary data, in particular for statistics about income distribution, health, education, access to infrastructure, housing, employment amongst others. Data on the performance of public services have been of utmost importance to assess the efforts by this sector to implement human rights.

Academic research has informed, at least in the case of Brazil, the development of National Human Rights Programs-launched by the federal government in May 1996. In Brazil this program provided the blue print by which the state and society's efforts to implement human rights could be assessed. Official statistics have provided the tools for a diagnosis of human rights and are being key instruments to monitoring the implementation of the Human Rights Program. Not that access to such tools is simple or strait forward. Much to the contrary, there have been historically a series of difficulties: we suffer from chronic problems of data production.

The trajectory of human rights monitoring in Latin America encapsulates most of the elements of present day debate about indicators to measure human rights or even human development: the tension between the need for statistical data, often understood as numerical data and the use of non-numerical data. Other elements of present day debate that were also present in past attempts to measure rights are: a) the need to use different types of measure for different rights: economic, social and cultural rights versus civil and political rights, b) as whether to focus on state compliance with international human rights treaties and pacts or on the measurement of individual or group enjoyment of rights and c) to focus on processes or on outcomes (Green, 1999). This debate has resulted in the identification of at least two types of indicators to measure human rights: thematic indicators, defined as that information that is relevant to the observance or enjoyment of a specific right and statistical categories that are perceived to express the degree of fulfilment of the right by the state. Still as pointed by Green (1999) in many instances, as pointed above, the state is either unwilling or incapable of producing this statistical information or worse it may even produce distorted information. Such omission, suppression or distortion is in itself an indicator of human rights conditions moreover when the issues in question refer to crime (data on prosecution, convictions, sentences and state of prisons) and to police forces (size, complaints against or use of lethal force).

It is agreed by different authors (Green, 1999; Radstaake, 1999; Fukuda-Parr, 1998 and Thede, 1996) that in many important issues statistical information on human rights will have to be complemented by other type of information such as the presence or absence of a certain attribute. For instance the exercise of certain right or the respect for a certain treaty may demand that legislation is approved by local Legislative, the approval of specific legislation may be a complement to statistical information. The same applies to procedures to ensure rights: such as mechanisms to ensure equal opportunities, or that allow accountability to be exercised (Green,1999 and Thede, 1996).

Even the measurement of social economic rights demands that some background is given as a context for official statistics. Fukuda-Parr (1998) highlights the need to take into account when measuring social rights resource availability and the level of deprivation in the country as well as the policy available. It is also necessary to consider the nature of the right whether or not subjected to progressive realisation or to resource availability as well as the need to have "at least some universal indicator to reflect universal rights." This need to take into account the context as well as the nature of rights was also stressed by Radstaake (1999) when discussing how to measure human rights: to identify the obstacles or the external factors as well as the context and causes of imbalances.

The problems with official statistics- the Brazilian case

The ongoing debate on how to best measure progress in human rights implementation has not achieved a consensual solution, the practice of trying to measure rights in Latin America at least

presents many unmet challenges. The insufficient or faulty production of data by official sources is one of the major challenges to be confronted.

a) Access to official data

Most consolidated democracies have in common a high degree of transparency in terms of granting the general public great access to official data. It is not unusual for such democracies to have official printing houses that produce and make available to the public (at affordable prices) government reports, white papers, regularly produced social economic data, data on criminal courts, budget of local, state and federal level of government and so forth. This access, in recent years is much improved thanks to the Internet. In fact some governments are making available on the Internet large amounts of information by means of which their constituencies can follow and judge how well the government is doing.

In Latin America this enlarged access to official data is still incipient. There is much heterogeneity between government agencies in granting broad public access to official statistics and reports. There is heterogeneity within the same level of government and between levels as well as between the three branches: the executive, the legislative and the judiciary. The executive in general tends to be more active in giving access to information and in the case of Brazil certain ministries are more engaged and have achieved more as is the case of the Ministry of Health. The Internet site of the Ministry of Health has allowed the public and researchers to follow-up what is being done and what progress has been achieved in terms of infant mortality rates, maternal death rates, in the control of epidemics, access to water and sewerage, and so forth as well as to follow how the budget is being used and so in how far what is established by the Constitution is being respected.

The same unfortunately cannot be said for the Ministry of Justice. There are no reliable national data on crime and criminal behaviour, or about the criminal justice system. In fact the only national source on homicide data is the Ministry of Health, so one key element for human rights monitoring. The Ministry of Justice also cannot provide trustworthy information about the prison system, budgets, or personnel allocated to the system, the same is true for the police forces and for the courts and prosecutors. This means that there is little information to monitor how the Justice system is faring in applying the laws. Needless to say that this means that there is a tremendous information gap on a key theme for human rights: the process of Administration of Justice. All this would seem to contribute to the poor credibility of the system. The persistence of the lack of reliable data derives in part of the survival within government of the perception that to gather information on the criminal justice system should be kept in the hands of those prepared to analyse strategic information. As this used to be an activity that military personnel carried out during the military regime, that survived during the return to democracy this de facto means that criminal justice statistics are now a domain that is disputed by personnel with training in criminology as well as by members of the former "internal security" area. The dispute is not over and society pains with the lack of information.

b) Continuity in access to data

Historically statistics that refer to economic aspects of life have had priority over other areas such as health, education, justice, or infrastructure. Areas considered not to be a priority are more susceptible of being targets of budget cuts- resulting in interruptions in data collection in what should otherwise be regularly collected data. Not even the National Census in Brazil has been sheltered from this kind of measure- in 1990 the National Census was delayed for a year because of

budget cuts resulting in the first interruption in the periodicity of the Census in over 100 years of Censuses. This caused much problems not only to demographers but to all who rely on this information including those monitoring human rights.

On top of that public authorities seem to have a feeble commitment to data collection. This is made worse by the fact that since data about some issues have greater political sensitivity as their political impact is potentially greater, being more susceptible to political disputes (as is the case of unemployment) there is less willingness to deal with this type of data. Differential political sensitivity of issues may also encourage authorities to introduce changes in the definition of certain phenomena and thus in how they are measured affecting the production of historical series. This has happened in Brazil with many indexes such as cost of living, inflation, and more recently unemployment.

c) Comparing official data from different government sources

Another problem that jeopardises the use of official statistics is that each government agency uses a different territorial division in their data gathering procedures. This results in a near impossibility of bringing together different data about the same territory, from different sources, to explore, for example, whether there are areas where lack of rights overlap or its opposite whether there are areas where access to rights overlap.

Despite all the difficulties listed above, good quality data, when available, can have a great impact not only to internal debate but in raising awareness about causality or providing new hunches about causality, in identifying priorities and developing strategies for action. Moreover data can be used to assess progress in the implementation of rights. One example of such use was the one provided by data from the National Household Survey conducted every two years in all of Brazil (except for rural areas of the North region -the Amazon) by the Foundation Brazilian Institute of Geography and Statistics (IBGE) also responsible for the population census and all sorts of economic census.

In 1989 the IBGE published the results of the 1987 Brazilian National Household survey when for the first time ever a series of questions concerning access to justice, exposure to violence, and about political participation were included. One of the questions referred to the possession of documents by persons 18 years old or older. It was then revealed that access to a birth certificate was not universal- 37,7% did not have a birth certificate. The consequences of the lack of universal access to birth certificate are manifold: it means that not only there is an under registration of births but possibly of deaths as well.

This in practice, means that there are unknown biases in infant mortality rates as an unknown number of children may be born and die without any record. This encouraged the development of clandestine cemeteries: in one single town (Guarani de Goias) in the state of Goias, where Brasilia, the capital of the country is located, journalists found 7 clandestine cemeteries (FSP, 14/05/96, p.1.7). It also means that the universal right to a nationality is not being respected as without a birth certificate the person officially does not exist: he/she cannot be registered in the health system, in schools, it cannot receive a work card, contribute to the pension system or else vote. Parents that were not registered themselves cannot in turn register their children so this deprivation extends over generations. In some areas of the country it was discovered that 3 generations of the same family did not have birth certificate. It was recognised that roughly one third of the population had no official existence. This lack of universal access to rights puzzled

researchers and the reasons for this were sought out. By 1995 the Census bureau (IBGE) still found that 31,8% of the population did not have a birth certificate. It was discovered that the cost of registering a birth was an impossible obstacle for poor families to overcome. As result, in 1996, the National Human Rights Program identified the need to make the registration of births and the issuing of certificate universally free of charges. Resistance of public notaries to this new law was formidable. It took almost four years for this measure to become fully effective in the country and this is but an example of the obstacles to implement rights albeit a simple one.

The publication of the first UNDP Human Development report represents another watershed in the use of statistical data for human rights' monitoring in Latin America. The report received great media attention because the comparisons between countries surprised many audiences within the countries in Latin America as it frustrated expectations. This report destroyed myths about certain countries, in particular the notion that countries with higher per capita income necessarily meant countries where there was more human development. Showing that in some countries, where mid-to low per capita income prevailed, afforded better levels of human development than did wealthier ones was very thought provoking. In the case of Brazil most publics were very surprised to realise that countries such as Colombia, Mexico and Argentina despite presenting lower per capita income than Brazil had better human development indicators in many important aspects: maternal deaths at birth, years of schooling, life expectancy, etc.

The report successfully introduced new indicators to evaluate progress that much enlightened human rights activists and scholars. Emphasising the concept that the quality of human life was one such innovation that was quickly disseminated. As result the media factors such as life expectancy, maternal deaths at birth, years of schooling, number of physicians per inhabitants, number of scientists in relation to the overall population, the status of women in access to rights. Another welcomed surprise to human rights activists and scholars in Latin America was the tentative evaluation of the status of political and civil rights and of the protections in each society from the viewpoint of the different countries' legal framework.

The UNDP Human Development report became a model that guided internal efforts in Brazil to examine human development in a perspective that also included human rights. Soon the model was applied by UNDP local office within Brazil and as result internal inequalities acquired greater visibility. This type of reporting is thus helping in the development of awareness about the size and consequences of the unequal distribution of resources in society and of the outcomes that these produce. It is also encouraging the definition of goals to be met. It has given the expression "human rights" a far more acceptable connotation as opposed to the previous one that focussed on the protection of citizens vulnerable to abuse or arbitrary action by law enforcement agents. Now human rights are associated with the protection of all citizens.

Unfortunately this does not mean that all obstacles to reliable data have been removed. Progress in data production has been rather uneven: economic data is abundant and generally good, health statistics have greatly improved as have population statistics. As result it is possible to measure with greater accuracy access to certain rights than it is that of other rights. Similarly there is more information about the public in general and less about specific groups within society: youth, women., blacks, indigenous groups are examples of groups about whom there are less information. Moreover measuring access cannot be equated with actual degree of fulfilment of the right, specially in terms of social economic rights: such as health and education. As for the measurement other rights and protections difficulties in gaining access to data abound. In particular those rights that refer to protections against arbitrary use of power by law enforcement agents, protection

against torture, disappearances, extra judicial execution. In such cases when official sources are not willing or unable to provide data, there is the need to rely on other sources and types of indicators.

Human rights observatories and human development radars in network

Attempts to measure access and enjoyment of rights by specific groupings has led a group of researchers/ scholars and human rights activists to develop a methodology that generalises from the experience with citizens' reports on human rights to youth rights: The project of setting up a network of human rights observatories and human development radar aims to produce complementary data to that of official sources. This project, now in process of experimental implementation, should result in Citizen's report on the state of youth rights in Brazil. The project is inspired by Amartya Sem's *Development as Freedom*, amongst other works that approach development and the process of rights appropriation are two aspects of the same historical process. The presentation of the human rights observatories relies heavily on the proposal for such observatories written by Pinheiro, Poppovic and Sachs (2000). The aim of the Observatories is to accompany the processes of implementation of human rights and human development for youth in defined geographical regions, in order to identify obstacles and setbacks to the implementation of their rights.

The Observatory aims to help government and civil society organisations to strengthen their capacity to assess social problems. The Observatories may complement the Common Country Assessment and the Citizens' Report, in defining an agenda for the realization of human rights in the 21st century. Partnerships between autonomous civil society organizations (CSOs) acting in narrow collaboration with university research centers, professional associations and government agencies constitute the core of the networking process. These CSOs will have the dual role of documenting human rights violations and suggesting effective means to aid in the realization of fundamental rights in the communities in which they work.

The experimental implementation of the project is being carried out in the municipality of São Paulo (the south and eastern parts of the city), focusing on the development of a network of youth groups involved in promoting respect for human rights. It is expected that this pilot experience will provide a clear picture of the true state of the rights of young people in this region as well as to provide the methodology to disseminate these observatories on the national level.

General Objectives

- To promote and develop the debate concerning human rights and human development for the youth and among the youth;
- Create incentives for the organization of new social actors who will play the role of interlocutor, giving insight into the real state of human rights for young people;
- Identify the principal human rights violations which the youth face and the possible alternatives to confront these problems;
- Contribute to a greater transparency of public social spending;
- Promote sustainable human development with the aim of guaranteeing social and economic rights.

Specific Objectives:

- Create a Network of Human Rights Observatories and Human Development Radars, first in São Paulo, then in all of Brazil and finally throughout South America;
- Elaborate a methodology for the collection of data on civil, political, economic, social, cultural and collective rights and human development and evaluate the conditions of applicability of public policy to benefit the youth. The following rights are considered priorities: life, education, health care, food, shelter and development;
- Mobilize social authorities – like SCOs, universities and local authorities;
- Empower and reinforce CSOs institutionally to better enable them to effectively establish means of social control and partnerships and create a benevolent environment in which to consolidate sustainable human development;
- Contribute to the elaboration of human rights and human development indicators which specify race, gender, income, level of education and geographical location.

ANTICIPATED RESULTS

a) Identify youth groups and other civil society organizations
b) Integrate youth groups into a Network established by the project.
c) Empower youth in the human rights and human development debate in the community.
d) Develop a diagnosis of the state of human rights and human development which focuses on the issues the youth groups have determined to be most relevant within their communities.
e) Report on the results of the diagnostic.
f) Elaborate the first Citizens' Report based on other academic and government reports and diagnostics.
g) Publish the first Citizens' Report.

METHODOLOGY

The Centre for the Study of Violence at the University of São Paulo, NEV/USP, **coordinates** this project. The Centre, will also develop the methodology of the project and select the operatives from a pool of existing academic centers and CSOs.

A **working group** was created with the responsibility of studying the national and international judicial framework as it relates to the project findings with a focus on human rights and the institutional juridical means that exist for the resolution of determined problems. This group will consist of specialists in the field in partnership with the project actors.

The network of Observatories is composed of CSOs working with the youth acting as both agents of observation and intervention. The CSOs includes a wide range of Third Sector entities – private foundations, NGOs, churches, academic and university centers, social movements and class and neighborhood associations – which will observe the state of human rights and human development in vulnerable communities, help to define strategies for the implementation of human rights and prepare data necessary for the periodical reports on the state human rights.

Citizenship Education:

Education will play a central role in this project. Those responsible for the functioning of the Observatory network will be trained to most effectively promote citizenship and development.

One of the primary objectives of this initiative will be the **preparation of a manual for the Observatories' membership** which will consist of a selection of texts and other useful materials such as CD-ROM, videos and slides.

A human rights course for those responsible for the project field work will be offered by the USP/PUC-SP/Columbia University Consortium. These institutions will supply the teaching staff while the course itself will be financed by a variety of organizations and foundations.

7.   THE ROLES OF THE DIFFERENT PROJECT ACTORS

The Directive Committee:

This Committee is headed by the Resident Representative of UNDP in his capacity as the Coordinator of the UN System in Brazil. The members of this committee will include representatives from the partnership NEV/USP, *o Conselho da Comunidade Solidária*, *Centre de Recherches sur le Brésil Contemporain (CRBC), Paris*, the USP/PUC-SP/Columbia University Human Rights Consortium and the UNESCO Human Rights chair. NEV/USP will act as a liaison between the Secretary of State for Human Rights, the Ministry of Justice, local authorities and the different civil society actors – universities, SCOs, associations of judges and lawyers, youth groups and the existent networks.

Operational Coordination: The Center for the Study of Violence:

The Center is responsible for the elaboration of a methodology, the selection of partners and the supervision and orientation of the Working Group.

Working Group:

This is the group which prepared the survey: designing the questionnaires, collecting data and analyses the information compiled by the OSCs, to prepare the Citizens' Reports. This group is also in charge of a study on the national and international judicial framework as it relates to the project findings with a focus on human rights and the institutional juridical means that exist for the resolution of determined problems. This group is composed of 3 graduate students, 2 Doctorates and one Post-Doctorate. The responsibility of Group coordination will be shared by young researchers from Sou da Paz Institute (1), Center for the Study of Violence (2) and the International Observatory for Humanitarian Issues(3).

The Network of Human Rights Observatories and Human Development Radars: NGOs and CSOs working with the youth:

The main functions of these Observatories will be to monitor the state of human rights and human development in the most vulnerable communities and help to define strategies for the implementation of rights and human development. This Group will also compile the necessary data for the preparation of the periodic reports on human rights and human development.

The following **partner groups** have been selected to act in São Paulo:

Instituto Sou da Paz – student organization with the goal of pacifying and controlling fire arms.

Teotônio Vilela Human Rights Commission – non-government organization with the mandate to defend the human rights of youth offenders and institutionalized individuals.

Tropis – civil society organization without monetary goals which develops cultural activities for the youth such as theatre, dance and music in the Monte Azul community.

Chico Mendes – youth group from the "Condomínio Chico Mendes" association in Campo Limpo (3,000 inhabitants) which works in the collection and mapping of data about the community and posts this information on the Internet.

UNAS – *União de Núcleos e Associações de Heliópolis* – youth group which mixes adolescents from the Heliópolis community and paroled juvenile offenders in a center which carries out diverse activities and participates in NGO coordinated projects (such as ABRINQ). The group is led by the youth under the supervision of educators and has a membership of close to 1000 adolescents.

Youth and the Environment – youth group that carries out a census in the Guarapiranga region, the results of which are used in the collection of trash and environmental education in the community.

Division of Labor
The activities of these groups will be assigned in the following way:

NEV/USP:
Elaboration of the project methodology, accompanying the preparation of the Citizens' Reports and participation in determined academic studies.

Instituto Sou da Paz:
Identification of the partners, generation of contacts with which the Institute will collaborate in the production of reports and the promotion of thematic meetings.

International Observatory for Humanitarian Issues:
Outlining the specific rights discussed in the Citizens' Reports and composing the programs for the thematic meetings with youth groups; in this way accompanying the project in a way which will enable the Observatory to act as a conceptual instructor for the youth involved.

Youth Groups:
Promotion of activities within their communities, participation in the meetings held throughout the course of the project, aiding in the production of the Citizens' Reports, deciding on the content of these Reports and editing.

Institutional Partners:
Beyond those actors directly responsible for the execution of the project, the support of other divers partners will be sought out (constituents from the Executive Committee, universities, RITS,

Youth Network, etc.), coordinating the efforts of these actors and the Observatories according to the area of specialty of each one.

Activities

In general terms, the development of the pilot-project will be carried out in three stages:

I – Elaborate the methodology for the production of the Citizens' Reports (definition of the specific rights to be studied, sources of statistical information, division of labor for the elaboration and writing of the Reports, etc.);

II – Identify and select   youth groups, define their tasks: criteria for the selection, establishing contacts, support to the groups which will elaborate the Citizens' Reports, supervision, etc.;

III – Train youth groups and incorporate them into existent networks and consolidated projects: meetings and debates on topics of interest– violence, citizenship, human rights, human development, sexual and racial discrimination and the third sector– ,
present positive experiences,
establish contact with consolidated initiatives– Youth Network (*Rede Jovem*), SCOs acting in similar areas, government projects, *RITS*, etc.–,
create a virtual network between the groups involved in the project, etc.

These activities will follow this timetable:

Month 1

- creation of a manual for the youth groups including: calendar of activities through August, presentation of the concept of the Citizens' Report and the process of its elaboration, general notions of human rights and human development and actors involved in the project;
- first meeting of all of those involved in the project (Working Group, interns and partners): introduction of the participants, general description of the project, clearing up doubts, debate and suggestions, definition of the calendar, hand out the manual;
- a workshop will be held with all of the youth groups and partners with presentations on the general concept of human rights and human development, particularly those on which the project will focus;

Month 2

- Youth groups, accompanied by interns and members of the working group, will hold the first activities and discussion groups in their communities, considering the elaboration of Citizens' Reports;
- Academic studies and the collection of all of the necessary data about the regions in question will be done in preparation for the Reports;
- Two thematic meetings will be held for the qualification of the youth working on the project;
- A workshop on the project will be held with the presence of Ms. Mary Robinson, aimed at defining a methodology for the preparation of the Citizens' Reports and reviewing the progress of the project;

Month 3

- Continuation of research projects and compilation of all data about the regions under study necessary for the completion of the Report;
- Planning and elaboration, together with the youth groups on the virtual network, of the project to establish daily communications between the partner groups and NGOs;
- Sequence of activities and discussion groups in the communities of the youth groups with the aim of elaborating the Citizens' Reports;
- Two thematic meetings will be held for the training of the youth groups involved in the project;

Month 4

- Begin creation of the virtual network
- Sequence of activities and discussion groups in the communities of the youth groups with the aim of elaborating the Citizens' Reports;
- Two thematic meetings will be held for the training of the youth groups involved in the project;

Month 5

- A workshop with the youth groups, with the aim of organizing the information and conclusions obtained to date by each of the groups for the elaboration of the Reports; exchange of general impressions and the assigning of tasks for the final elaboration of the Report;
- Final production of the Reports

Month 6

- Youth groups will hand in all of the material collected for the preparation of the Citizens' Reports and for the general evaluation of the project;

Month 7

- The involved groups will participate in a Human Rights Colloquium to be promoted by the university Consortium USP/PUC-SP/Colombia;
- Conclusion, art and publication of the Citizens' Reports and activities reports;
- The project will be posted on the virtual network;

Month 8

- Publication and event launching the Citizens' Reports and activities reports;
- General evaluation of the project by the Executive Group and the partner groups;
- Elaboration of the plan and proposal for the continuation of the project.

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