



# Integrating the Documentation of Human Rights Violations into Peace Processes

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# Human Rights as CBMs in peace processes

- Confidence Building Measure (CBM)
  - mutually beneficial, low cost actions designed to increase interactions and trust btw. conflict parties.
  - 'Measure' and 'signal' commitment.
- Repeat HR violations minimize trust.
- HR are **not** negotiable – how they *are applied* is negotiable.



# Examples: El Salvador – HR abuses by State

- Primary tactic by the state – disappearances.

## I. RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter referred to as "the Parties"),

Bearing in mind that the legal system of El Salvador provides for the recognition of human rights and the duty of the State to respect and guarantee such rights;

Considering also that the State has assumed obligations of this nature under the many international conventions to which it is a party;

- M.O. night-time arrests – Agreement on Human Rights 27.7.1990

(d) No one shall be placed under arrest as a means of intimidation. In particular, arrests shall not be made at night, except in the case of individuals caught in flagrante delicto;



# Example: Northern Ireland – HR as CBM

- Security Dilemma: DDR
  - Punishment 'beatings' – paramilitaries
  - Biased policing
  - Use of rubber bullets
  - Inequalities in socio-economic rights between communities
- Mitchell met with CSOs – these issues were highlighted.
- Integrated into the Mitchell Report 1996
  - Third track – Confidence Building Measures



# Example: Guatemala - Circumventing Predicaments

- Commitment problem – conferring legitimacy to non-state armed groups > grants rights under international law as combatants.
- Drafters of *Comprehensive Agreement on Human Rights* (1994) adopted language of international law.



## IX. HUMAN RIGHTS AND INTERNAL ARMED CONFRONTATION

1. Until such time as the firm and lasting peace agreement is signed, both Parties recognize the need to put a stop to suffering of the civilian population and to respect the human rights of those wounded, captured and those who have remained out of combat.
2. These statements by the Parties do not constitute a special agreement, in the terms of article 3 (Common), paragraph 2, second subparagraph of the Geneva Conventions of 1949.

- Phrasing allowed UN verification team to use criteria of Art. 3 *Geneva Conventions* although the agreement does not adopt them.



# Establishing an agenda for change:

- How are human rights abuses tied up in the conflict? What are the perpetrators of human rights abuses attempting to achieve?
- What human rights abuses need to be addressed in the conflict resolution process?
- How can human rights protections in each conflict setting be used as a confidence building measure during the peace process?
  - What are non-divisive issues in your conflict context that are agreed upon across partisan lines? Can they be used to build cross-party consensus? How would you go ahead and do that?
  - What are the divisive issues in your conflict context? How can you begin circumventing those issues? Can they be tackled indirectly?



# Establishing an agenda for change:

- What issues can we, as civil society, realistically expect to change?
- For each abuse, what are concrete steps that can be taken to provide protections against those abuses? For example, to end torture in prisons, introduce audio and video recording mechanisms, etc.
- When providing for specific protections in peace agreements, how can these clauses be worded in draft peace agreement text? Samples and draft clauses are easier to introduce into agreements.



# Establishing an agenda for influence:

- How can we expect to bring these issues to the table? How can we go ahead and map the peace process taking place?
- What networks can we leverage to find means of engaging both government, and opposition actors – are there community leaders held in esteem by both sides that can be persuaded to mediate?
- Are there any international actors, bodies, agencies that may be supportive to us and help validate human rights reporting?
- Can we engage ‘eminent personalities’ to boost the visibility of human rights efforts?
- Can we create a parallel civil forum?
  - Liberia, Sierra Leone, Guatemala



# Questions on Monitoring Human Rights

- Who is responsible for monitoring human rights?
  - States can resist monitoring if they are not certain of the actors involved or believe it is against their interest.
- How can conflict actors be persuaded to accept monitoring?
  - Monitoring can also take on increasingly complex mechanisms that run in parallel with cross-cutting mandates (Philippines).
- How can civil society organisations participate in monitoring?
  - Configurations of international, hybrid, state, and local actors.



Thank you!

