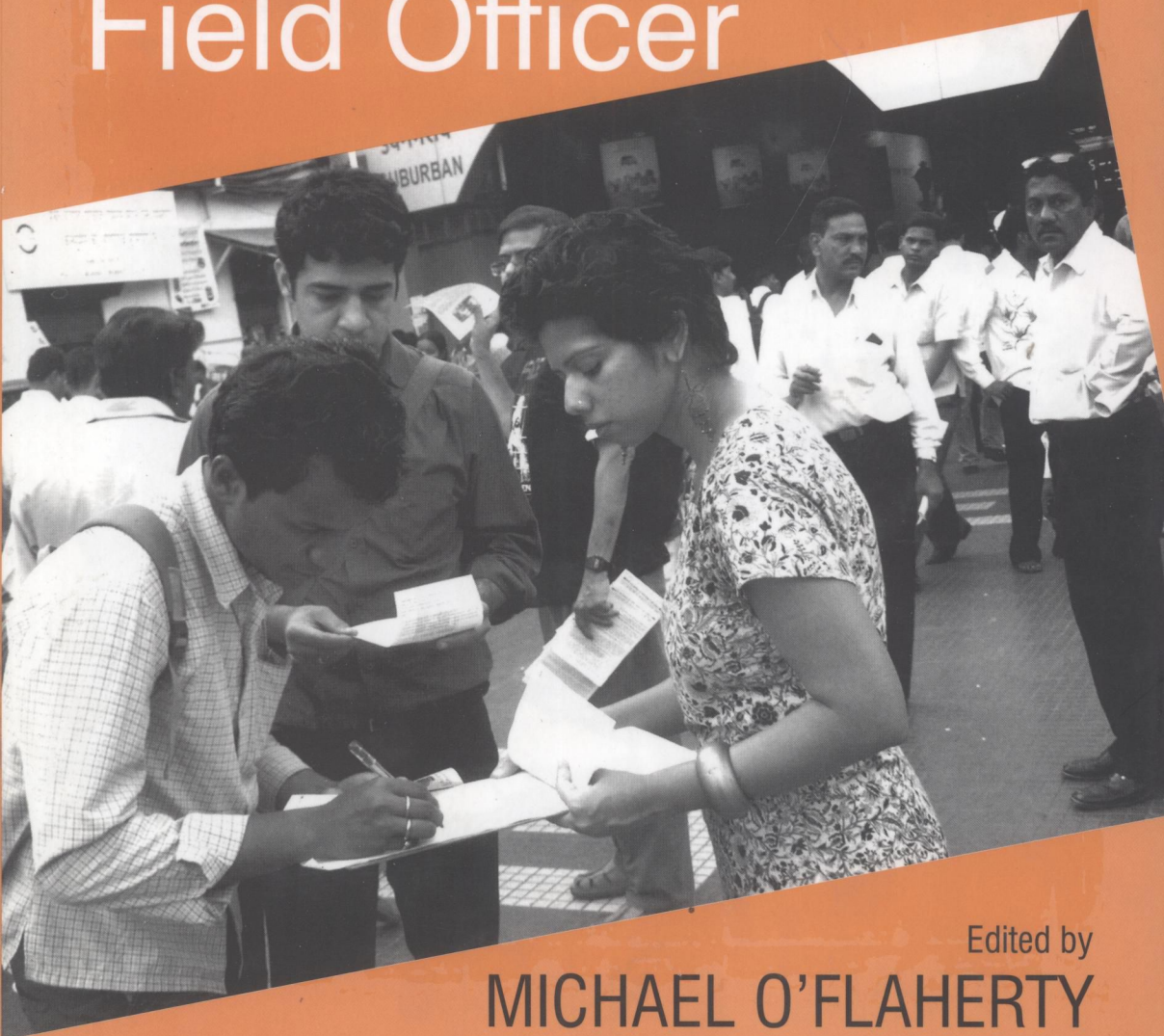


The Professional Identity of the Human Rights Field Officer

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ASHGATE



Edited by
MICHAEL O'FLAHERTY
and **GEORGE ULRICH**

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THE PROFESSIONAL IDENTITY OF THE HUMAN RIGHTS FIELD OFFICER

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Introduction

Michael O'Flaherty and George Ulrich

Inter-governmental organisations have deployed human rights field operations since the early 1990s. As of 2009, these operations are deployed across the world, most of them in conflict and post-conflict environments. Their staff plays a vital role in the protection and promotion of human rights, notably of the most vulnerable people. It is likely that the sector will continue to grow at a rapid pace. Much has been achieved in the brief history of this human rights field work and considerable strides have been made towards clarifying the applicable doctrine and methodologies. However, as with any sector, especially one so new, it is generally acknowledged that there remains considerable scope for development and improvement.

Some of the pertinent challenges were addressed in an earlier work by Michael O'Flaherty, *The Human Rights Field Operation: Law, Theory and Practice*.¹ That work comprised a wide-ranging survey and critique of the legal base and the historical development of human rights field work as well as an assessment of its current state. It concluded that the time had come for the identification and promulgation of a coherent professional identity for human rights field workers:

The first challenge is that of the comprehensive professionalisation of the sector through the clarification of overarching principles, goals and methods – to describe the core ‘doctrine’ of human rights field work. The present situation is very far from this point. Yes there is the underlying body of international human rights law. Certainly there are some components of an operational doctrine in place. There are even some helpful ‘best practice’ reviews of certain practices and field operations and a number of methodological tools have been devised. However, there remain vast gaps – entire work areas where no guidance is available and the field operation is obliged to proceed in a trial and error process of experimentation. As a corollary to the lack of guidance there is a dearth of performance indicators whereby field work can be properly evaluated and whereby field operation designers, managers and personnel may be held accountable.²

1 M. O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice* (Aldershot: Ashgate, 2007).

2 M. O'Flaherty, ‘Human Rights Field Operations: An Introductory Analysis’ in O'Flaherty (ed.), *The Human Rights Field Operation: Law, Theory and Practice*.

The present volume seeks to address the issue of professionalisation. It goes beyond the first volume by constructing a normative and prescriptive framework for field work: there is thus a shift from critical analysis to the development and justification of professional guidance. Consistent with the focus on professional identity, the investigation moves from the general work of organisations to the specific functions and responsibilities of the individual human rights field officer (HRFO). This approach allows the book to concentrate on issues of personal responsibility and to have relevance beyond the confines of the United Nations or any other specific organisation. The applied approach of many of the chapters expands the analysis in the case studies section of the first volume, allowing for a more up-to-date and global review of practice.

Although this is a self-standing work, it benefits from the proceedings of a project, 'Consolidating the Profession: The Human Rights Field Officer', which operated upon the premise that there is a core professional identity of the human rights field officer, regardless of the distinctiveness of the employing inter-governmental organisations. It sought to identify the relevant professional parameters and to generate research findings and training materials that promote good practice. It was implemented in the period 2004–08. The project was convened by O'Flaherty with the financial support of the Government of Ireland. The principal project partners were the European Inter-University Centre for Human Rights and Democratisation, Venice, Italy (represented by Ulrich), the Sant'Anna School of Advanced Studies, Pisa, Italy (represented by Professor Andrea de Guttry), the University of Pretoria Human Rights Centre, South Africa (represented by Nicole Fritz), the Office of the United Nations High Commissioner for Human Rights (represented by Gianni Magazzeni and Francesca Marotta) and, in their personal capacities, Professor Vitit Muntarbhorn (Thailand), and Roberto Garretón (Chile). Project proceedings, including surveys, consultations, expert meetings and pilot training events, involved the participation of hundreds of current and former human rights field officers working for inter-governmental and non-governmental organisations.

The context for the present volume is addressed directly in Chapter 1 (O'Flaherty and Ulrich). The chapter explores the defining characteristics of an emerging profession and relates these to the current situation of human rights field workers. Taking account of research that they undertook in the context of the 'Consolidating the Profession' project, they assess the state of professional development in the sector. They conclude that all of the fundamental elements are in place but that the situation has not yet been reached, that of an autonomous and self-assured professional identity susceptible to regulation and controlled entry. In the course of the chapter, O'Flaherty and Ulrich refer to the significance for professional development of two specific project outputs, a set of Guiding Principles for Human Rights Field Officers and a Statement of Ethical Commitments for Human Rights Field Officers. Both documents are reproduced in an annex to the present volume. The Guiding Principles and the Statement of Ethical Commitments are also the subject of dedicated chapters by O'Neill and Ulrich (Chapters 2 and 3). These

chapters describe the process of development of the documents and locate their sources in theory and practice. In terms of their utility for the ongoing process of professionalisation, O'Flaherty and Ulrich argue that:

The Guiding Principles and the Statement of Ethical Commitments, as far as the authors are aware, are the first attempt to articulate a comprehensive framework for the HRFO profession. It is envisaged that they may provoke debate and reflection and facilitate the emergence of points of agreement regarding the professional identity. They are by no means intended as a last word. Rather as with humanitarianism and its multiple efforts to articulate the professional identity, it is hoped that they will both serve as useful tools themselves and be accompanied by other complementary efforts. It is out of the totality of such efforts that a set of commonly accepted defining features is likely to emerge over time.³

Chapter 4, 'A Fresh View on Protection: The Human Rights Field Officer's Perspective' (Paul), constitutes an additional element in the elaboration of the comprehensive professional identity of the field officer. It goes beyond considerations of the issue of protection in the first volume by locating the responsibility directly with the field officer and examining the implications of such an approach. Strongly rooted in actual field experiences, the chapter offers an applied approach to what is too often considered in an abstract and excessively theoretical manner. Chapter 5, 'New Models for Human Rights Capacity Building in the Field: Human Rights Field Officers and Relief and Development Professionals' (Seymour), constitutes the final contribution to the first part of the volume, which addresses overarching considerations for the human rights field worker's professional identity. While examining what is generally considered as the corollary to human rights protection – that is, capacity building – it moves the reflection forward by arguing that human rights capacity building must today be perceived within the framework of rights-based approaches to human development. The chapter draws the implications for development workers, particularly those operating within the mandates of such United Nations entities as UNICEF and the UNDP.

The three subsequent chapters explicate and reflect on familiar work areas that have evolved at a pace that exceeds that of the accompanying literature, and for which there is a need to update and supplement the existing professional guidance. These are all areas where many agencies and professional groups are active and where therefore there is a need to define complementary roles and establish productive relations of cooperation. In each case the author places focus both on the explication of theoretical considerations and on professional guidance. Chapter 6, 'Human Rights Field Officers Working for the Most Vulnerable: Internally Displaced Persons' (Stavropoulou), takes stock of the ever-evolving protection

3 M. O'Flaherty and G. Ulrich, 'The Professional Identity and Development of Human Rights Field Workers' in Chapter 1 of this volume, p. 32.

framework for internally displaced persons and, within the context of a survey of institutional responses, locates a role and proposes standards for engagement for the human rights field officer in this important work. Chapter 7, 'Human Rights Field Officers Working for the Most Vulnerable: Children' (Hussain), addresses the challenge of identifying the role and responsibilities of the generic HRFO in view of the complex configuration of protection and assistance mechanisms that have evolved within a more or less autonomous child-protection sector. Chapter 9, 'Human Rights Field Officers Working for the Most Vulnerable: Women' (Lyth), tackles a different type of challenge, which is that of identifying and contributing to the delivery of the necessary protection support in the absence of well-developed institutional frameworks.

The final four chapters of the volume address emerging issues that, until now, have received little or no research attention as regards their implications for human rights field work. Chapter 9, 'Emerging Issues for Human Rights Field Officers: Monitoring Economic, Social and Cultural Rights' (Fabian and Sotomayor), explores the surprising dearth of guidance for human rights field officers for the promotion and protection of a body of human rights which is often in jeopardy in field situations and which in principle should be considered indivisible from civil and political rights. The chapter on issues arising with regard to freedom of expression, 'Emerging Issues for Human Rights Field Officers: Freedom of Expression, Opportunities and Challenges' (Chapter 11, Davitti), similarly, considers the practice implications for the defence of this core right in light of an array of contemporary challenges that may be encountered in the field. The next two chapters tackle novel areas where the lack of established guidance is less surprising as these are emerging issues not only for human rights field work but more generally. Chapter 10, 'Emerging Issues for Human Rights Field Officers: Responses to Terrorism' (Devereaux) and Chapter 11, 'Emerging Issues for Human Rights Field Officers: Support for Criminal Justice' (Razavi) pinpoint the key contemporary challenges, reflect on the relevant institutional structures and contemporary practice, and propose clear practice guidance that is rooted in legal and other theoretical foundations.

Taken together, the chapters define a broad spectrum of important functions and professional challenges for human rights field officers. Indeed, this may be taken as a forceful reminder of just how much there is to be done in this relatively new area of professional activity. Realistically, however, no single HRFO will be able to fully cover all of the relevant functions or address all of the recommendations made in this book. Without stating this explicitly, many of the chapters in effect outline areas of specialisation which should be properly covered by the overall international field operation, and to which some HRFOs will devote a substantial proportion of their work and professional attention, while others will not. One of our contentions in compiling the present collection is that part of the common professional identity of an HRFO is to at least be familiar with the core considerations pertaining to each of the various specialisation areas and thus to be able to engage in basic monitoring and promotion of the relevant areas as well as

effectively partner with those HRFOs who function as focal points for the issue in question or work on it as a matter of professional specialisation.

It must be noted, moreover, that the reality on the ground for HRFOs, especially when posted in remote areas or working for missions with severely limited resources, is that they have no choice but to take on a broad and rather heterogeneous range of functions. The distinction between generalist and specialised professional competences is thus often blurred in practice, and HRFOs will (in consultation with superiors in their mission) have to rely on their own best judgement of which tasks and functions are most pressing in the given situation – depending, among other things, on the gravity of violations and priorities dictated by the given field context. For this reason, too, it is crucially important to be cognisant of the full range of established and emerging new professional challenges for HRFOs, and it is hoped that the present volume will go some way in raising awareness of this and thus contribute to the emergence of a genuine culture of professionalism for human rights field work – as is already being vigorously pursued by the main international organisations that deploy human rights field missions.

The volume concludes with the reproduction of all of the main proceedings of the ‘Consolidating the Profession’ project. These materials elaborate the research methodology of the project and present its principal findings, including, as has been anticipated, the Guiding Principles and the Statement of Ethical Commitments. Project proceedings also contain materials that reflect perceptions of the professional identity of the human rights worker at fixed points in time (see especially the survey findings) and over the four-year course of the project. Additional project papers, as well as a substantial online library of resource materials, may be found on the project website, <www.humanrightspersonals.org>.

The editors thank most sincerely all the authors for the submission of their chapters. While assuming all responsibility for the editorial direction of this volume, they express appreciation to the board and to all collaborators in the ‘Consolidating the Profession’ project, as well as to the principal project funders, the Government of Ireland. Thanks is also due to the editors’ institutions, the University of Nottingham School of Law and Human Rights Law Centre (O’Flaherty) and the European Inter-University Centre for Human Rights and Democratisation (Ulrich). The editors are grateful to Daria Davitti for her excellent editorial assistance.

Chapter 1

The Professional Identity and Development of Human Rights Field Workers

Michael O'Flaherty and George Ulrich¹

Professionalism and Professionalisation

Early in 1994, one of the present authors (O'Flaherty) set out from Zagreb to Sarajevo to establish a human rights field office of the United Nations (UN). Travelling alone, he drove a jeep packed with valuable electronic equipment across the various combat zones and front lines of Bosnia-Herzegovina without the benefit of a security briefing, a communications system, or even a puncture-repair kit. Having arrived in the Bosnian capital, miraculously unscathed, he was under vague instructions to report back to Geneva on 'the human rights situation' and otherwise had *carte blanche* – there were neither templates for the reports nor guidelines regarding any of the ethical, technical and organisational challenges he would confront. He survived the experience and, hopefully, did some useful work.

His experience was by no means unique, as human rights field work at that time was in its very early stages and was subject to a process characterised by improvisation, adaptation, and learning by doing. In the decade-and-a-half that has since passed, the international community has undertaken an increasing number of human rights field operations and has on this basis generated a highly valuable body of experience which in turn has led to the definition of working methodologies and operational procedures.² In this context, the work of human rights field officers has begun to take on the traits of a distinct professional identity. The present chapter seeks to explore this process of professionalisation with a view to identifying at what stage it may presently rest and what directions it might take for the future.

The process of professionalisation has been described as 'an informal process begun by practitioners who perceive there to be exacting standards required of

1 The authors express appreciation for the research assistance provided by Daria Davitti.

2 For an overview of current UN activities and related methodologies and procedures see OHCHR Annual Reports, Appeals and biennial plans at <www.ohchr.org/EN/PublicationsResources/Pages/AnnualReportAppeal.aspx>.