

Advisory report

On improving reporting mechanism
for AFAD and its member organisations

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Introduction

My son was taken on a Saturday afternoon. Saturday evening we were expecting him to be at home, but he did not come. He did not show up for a family meeting, this was very odd because he always comes. Everybody was calling him, but his phone was always busy. The next day he answered my call. His voice was very weak and very abnormal. I asked him why he did not come to the meeting, he said: I am taking a bath. It did not make any sense. I asked: do you need any help? Has something happened to you? Then he said: I am with Neil. Neil is his best friend. It made even less sense: Neil is not here, he lives overseas now. But I think he was trying to get a message across. I feel that the perpetrators were holding his phone. It was his voice but it was very, very weak. With saying mommy, I am taking a bath, he meant probably that he was undergoing the water torture. And he said he was with Neil because the house of Neil was right behind a military camp. He was probably getting this message across that he was there. But of course at this time I did not understand.

Human rights activist Jonas Burgos was abducted in broad daylight by state officers at a shopping mall in Quezon City, April 2007. He is probably the most well-known desaparecido case in the Philippines. Twelve years later his mother still continues the struggle looking for her son and connecting other victims of enforced disappearance. The strange phone conversation was the last she heard of her son. Following were excruciating years of non-leading investigations, police cover-ups, denial and no trace of Jonas. To this day he is still missing.

Jonas Burgos is a single case in a continuous trend of enforced disappearance (ED) in Asia. ED happens when someone is deprived of their liberty and secretly abducted or imprisoned by a state party (OHCHR, n.d.). The person is either illegally detained or presumed dead. It is a cruel human rights violation. In Asia ED happens for different reasons. Whether it's under the cloak of a 'war on terror' or 'war on drugs', or the silencing of political opposition, ED results from an overall climate of impunity. Victims and witnesses are afraid to report to the police, because state officers are the perpetrators. Even in cases where there is clear evidence, perpetrators receive minor to no sentence for their crimes.

Where the government is lacking, human rights organisations step in. Their mandates differ from witness/victim protection, to independent investigation and advocacy. These organisations, government bodies and international actors are all part of the national reporting mechanism. A reporting mechanism

is a structure that mandates the coordination and reporting of human rights violations on the national, regional and international level (OHCHR, 2016). There is no standardised ED reporting mechanism, therefore the Asian Federation Against Involuntary Disappearances (AFAD) commissioned a research team from Windesheim Honours College in Zwolle, the Netherlands, to look into the reporting mechanisms of their member countries (appendix 1). This advisory report is based on the research on best practices of ED reporting mechanisms in South and East Asia (Delbrück, Molewijk, Renz, & Romkes, 2019).

For Edita Burgos it is not just about finding her son anymore. While supporting other victims she noticed the gravity of the effect on the families and dedicated her life to the cause. Alongside her, the team found many amazing initiatives among the interviewees in their combat against ED. This report shares the best practices and recommendations toward a world without ED.

I have very funny incidents with military who are surveilling me. I confront them. 'Excuse me, you follow me? Let's go together, you can pay my taxi.' One day, a very handsome young man was sitting outside the house of prayer and it was very hot outside. I knew he was following me because I saw his car before. Then I saw him sit outside the gate I was about to enter, I was going to work there. It was so hot! I asked him: 'you know son, if you're going to stay here the whole day waiting for me, the sun would be terrible by noon time. Why don't you just come into the house of prayer? And you will see me working in one of the offices the whole day. If it's time for me to leave, you can also leave, then you can follow me again.' He just stared at me, then he walked away.

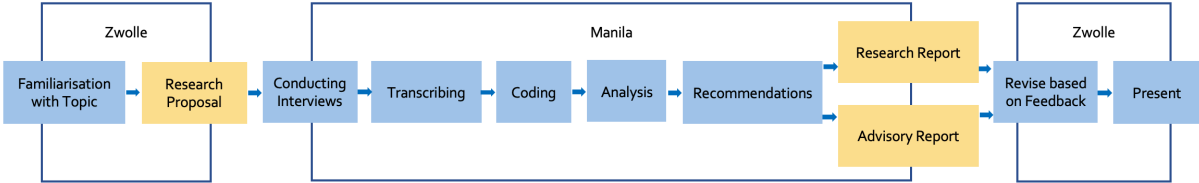
Research design

Design:	Qualitative
Method:	In-depth interviews - semi-structured
Sample Size:	N = 24
Target group:	HROs (11) & MOs (13)
Interview medium:	Face to Face (13) & Skype/Signal (11)
Interview length:	30 - 45 minutes
Sampling:	Purposive - Expert sampling
Data analysis:	Axial coding - Primary data

Target group profiles:

Human Rights Organisations (HROs) are defined as organisations that have an expertise in ED. They are not directly involved in the reporting mechanism, but they receive and analyse reports and have an overview of what best practices are.

Member Organisations (MOs) are the members of AFAD who are the working organisation in ED in their country. They are directly involved in the reporting mechanism and therefore share their own best practices.



Research Process

The research was commissioned by AFAD and Windesheim Honours College as part of the BBA students’ minor ‘Managing Projects in a Globalised World’. As there is no universally-agreed-upon model for best practices in ED reporting mechanisms, the team used the OSCE’s 5P model of countering human trafficking as a guideline to find best practices (2013). The overall minor lasts 20 weeks. The first eight weeks, starting January 2019, the project team familiarised with the topic and did extensive background research. This led to a research and project proposal which was approved by the client and project coach. The team then spent nine weeks conducting the research in Manila, the Philippines. The (24) interviews were planned within the first five weeks, in the 5th week the team started coding and analysing. Week 7 and 8 were set for analysis interpretation and writing up recommendations. In week 9 the research and advisory report will be presented. In the last two weeks of the minor the research and advisory report will be revised based on feedback from client and coach. The overall research will be presented at the college and at the SDG event¹

Main Research Findings

Based on the research the following best practices in ED reporting mechanisms we found:

- Educating the public on basic human rights and ED in order to create more public awareness
- Collaboration and knowledge exchange between HROs for more effective working

¹ <https://wellbeingeconomy.org/event/sdg-generation-healing-the-future-in-a-wicked-present-zwolle-netherlands>

- The importance of dividing mandates between HROs, but still uniting efforts and sharing information between organisations
- Receiving governmental support and cooperating with government and governmental institutions to support victims
- Using continuous international pressure as a tool of advocacy
- Uniting victims for self-help and building up resistance
- Providing sanctuary to victims and witnesses of ED
- Protocols and discrete data gathering in order to ensure the safety of all stakeholders involved
- Ensure safety within the organisation by using safety protocols and providing training to staff
- Providing psychosocial and medical support to victims of ED after the disappearance and during the reunion
- Providing legal advice to victims in order to help them in their search for justice
- HROs supporting victim families with goal of establishing a normal life once again
- Training programs by HROs for victims and state officials to increase awareness and prevent future cases of ED
- The importance of a widespread network and quick reaction teams in the initial information gathering process
- Documenting cases now, for prosecution in the future
- The gap between creating and implementing a domestic law and the complementary function of the international convention

Recommendations

Unite and Share

Sometimes we have to work from scratch in the domestic litigation because some organisations [...] who [have] information, they withhold it from us. So it leads to duplication of the documentation and much work, while another organisation has them from the very beginning.



When it comes to the enforced disappearance reporting mechanism, collaboration is very important. This is what the research with 13 member organisations of AFAD and 11 human right organisations has shown. Especially cooperation between HROs, governmental organisations, victim cooperation, and

international cooperation is necessary to make the reporting mechanism fast and efficient. However, best practices of participation were often mentioned in combination with shortcomings. That means improvements in relation to participation is needed. The team came up with recommendations that facilitate and improve the reporting mechanism of ED.

The research team recommends AFAD and its member organisations to get more inspiration for their practices within the reporting mechanism from other regions where organisations and other people have created successful practices against ED. That recommendation has been made from an interviewee who shared an experience based practices in relation to participation. They mentioned the example of Argentina, where mothers and grandmothers protested every thursday, and with the help of both the UN, America and national laws and systems the government of Argentina eventually opened the door to the victims of ED, to find out the truth of what happened to their loved ones. Because of this, more than 5000 cases were collected, and these cases became an entry point of democratic processes in Argentina.

Therefore, the research team suggests AFAD to improve the reporting mechanism with the best practices of other countries. Argentina is not the only South American country that has been facing the issue of ED, many South American countries still are. Seven out of ten countries with the most enforced disappearance cases since 1980 are located in this continent (Latinamericanpost, 2018). Since ED is still a current topic, many human right defenders are involved. Therefore, AFAD can establish more contact with South American human right organisations, on how they are tackling ED, to compare best practices and possibly implement them in the reporting mechanism in the Asian countries.

Another recommendation is establishing more cooperation between all organisations, not just between AFAD and its member organisations. Interviewees reported that in some countries not all organisations share important information with each other. As can be seen in the quote mentioned in the beginning of this section. That non-cooperativeness is hindering and slowing down the reporting mechanism. Important time to find a victim can be lost or the chance of a juridical success can be reduced. Even if different organisations share different values, the common notion of stopping ED should be the most important focus, and should therefore be reason enough to cooperate in order to solve ED cases.

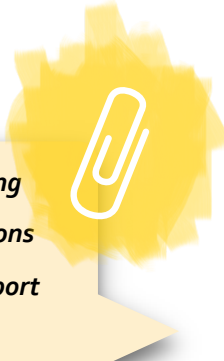
In general, the research team suggests to unite HROs and build an international network. The advantages herby are diverse. On the one hand, important information could be shared quickly and easily. On the other hand, human right defenders could combine strengths, support each other and fight with combined forces for the sake of abolishing ED. Collaboration between many organisations means more manpower to investigate, educate, put pressure on the governments, more experience and knowledge,

and more ideas and innovation. AFAD can initiate this network by approaching many international human right organisations and setting up the network.

For the same reason, the research team suggests to organise a regular forum for stakeholders of the ED reporting mechanism. Since some organisations face a lack of research, they have to learn from experiences. Learning from each other and sharing practices is very important. On this forum, organisations and other stakeholders could update and inform each other about practices and current happenings, learn from each other and provide education and trainings for victims as well as human right defenders. Furthermore, as mentioned in interviews, this forum could be used for dialogue between the government and civil right organisations to find a common ground. The forum could be set up by AFAD and human right organisations, victims, and politicians invited to participate.

The first step to make this a reality would include contacting all organisations working on the issue of ED in South and South-East Asia, as well as inviting governments and organisations active in other regions to join as well. Together with the participants, the second step could be deciding on what this forum will exactly look like, and how to create it. Such a forum could be organised at any time. So basically the plans for the first one could start tomorrow. The first step is to book a venue and invite participants. To save costs, booking a venue in a country with relatively cheap living costs is recommended. The theme of the first forum could for example be "Sharing practices with a positive attitude". The goal of this forum would not be sharing shortcomings but best practices, experiences and lessons learned instead. In case many human right defenders and politicians are attending the first meeting, security measures obviously have to be taken into account.

Smart Documentation



So we have to fill out three different forms of each case, which is very hard. So what best thing could be that these three things could be inclined towards one and they have common questions and they have common queries. So it will be easier for our organisation, and also easier to report and quicker to report.

The quote is part of the response of one interviewee from the research. This is just one example but it becomes clear that one step to improve the reporting mechanism of ED cases and the fight against ED in general would be a change in the documentation procedures. It was mentioned several times that a lot of organisations wish for better exchange of information and documentation. Besides the in previous parts of this report mentioned best practices regarding improved cooperation and trust between HROs, a

shared data bank on national level could be a solution. This databank would entail case files of several organisations, who can view and add information to it. A databank is fast accessible, it facilitates collaboration and can even speed it up, and in general it can give a more accurate overview of long term developments in a region, than having to collect the information from different organisations. However, it is also important to consider the shortcomings of such a database. Databanks can be hacked and therefore the security of individuals mentioned in the documents is at higher risk. Preparing a databank and filling it with uses from the past is a lengthy process. Besides that, additional funding might be needed to get external support for constructing a safe and user friendly database. Lastly, all HROs involved would have to decide on one format they want to have for the case filing. Once, these things are considered and the measures are taken a databank can be a great chance for experience exchange (National Research Council, 2000).

In order to build a national databank, the first step is to organise a meeting with all other stakeholders. During this meeting all HROs should decide on aspects like the functions, design, or how to manage and maintain the databank. The next step would be looking what the organisations already have and deciding on a databank service to use. After that, the databank would need to be filled with cases from the past and each organisation would need one person responsible for the access to the databank and filing of recent cases.

Having a databank is a big step, therefore an alternative could be to start having a standardised case filing format across organisations. Some of the interviewed HROs mentioned that they have to fill in up to three different format sheets for different filing systems. This is a waste of resources. Standardising the filing system does make case information exchange easier, would make the transition to a shared database less difficult, and offers the chance for organisations to reconsider what is really needed in those sheets and what could be implemented or even learned from other organisations. The biggest limitation of a standardised case filing sheet is the process of deciding together with other HROs what should be implemented and what can be left out. It also takes away the flexibility and autonomy of organisations in adjusting the filing format if needed.

To create a standardised format the organisations participating should be clear about what they need in the case files and what other parties like the WGEID want in their case files. After having done that the new format needs to be tested and improved

Special Rapporteur



The international community is doing its job, but I have reservations about the UNs capacity really, because the UN is composed of several countries and some of them are more members than others. Which means that they have more influence like China, the U.S., the big states, who have more crowds.

The HRO network in many countries has a divide based on political, religious, or activist orientation. Some organisations were not willing to cooperate with or share vital documents with other organisations. The team also found that in some countries there were people with a more mediating role that were in collaboration with all organisations in the field. This mediating person was either a religious connector or working on the issue independently without clear political affiliation. Furthermore, it was found that the HROs were very willing to be interviewed and share practices with the research team. As mentioned before, in the research it clearly came forward that participation covers the most evident best practices in reporting mechanisms. Therefore, the team recommends that AFAD sets up an independent rapporteur per country in collaboration with AICHR. This Rapporteur would be independent and have no clear political/organisational/religious affiliation. The HROs would be more willing to work with this independent Rapporteur, because they have the shared values to solve ED and prioritise ED, unlike the current overloaded UN bodies and International Rapporteur. Many HROs were not content with the work of WGEID due to its prioritisation of countries, other human rights violations and general effectiveness. The countries the team interviewed had different issues within the HRO network and the reporting mechanism, so monitoring and reporting should be different per country.

The mandates of this national Rapporteur include:

- Monitor and needs assessment of the national HRO network, finding where funds, capacity and mandates are lacking;
- Implement and monitor an ED reporting mechanism fit for the country;
- Collection of all ED data, refer cases to court and publicly report;
- Advise government and HROs on regional, national and international level;
- Report to WGEID;
- Represent country at conferences and public events.

Identify with the Victims



The message to learn is that enforced disappearance can happen to anybody. Even to people who try to live a normal life, maybe in the wrong place at the wrong time. Or when people pick up a social cause on behalf of their community, people who fight for justice. It doesn't matter who the person is, we all face the risk of enforced disappearance. And this is why it's such a cruel kind, because it can happen to anybody. We are left in uncertainty: We don't know what happened, where the person is. There is no end to the cases. So what can we learn? That we need to raise awareness.

Some of the most important best practices named by the interviewees were related to public awareness and building a big, international movement against enforced disappearance. When the public becomes more aware and starts speaking up against ED, they will be able to put pressure on the government to make them stop committing ED and other human right violations. According to one of the interviewees, participation has been really successful in Indonesia. They said that when there is concentrated power coming from people in regards to ED, the government eventually resettles, possibly resolves past cases, and stops ED from occurring in the future.

Multiple HRO's are already providing educational programs to enhance participation, and some students are learning about human rights in college. However, human rights education should already start a lot sooner, when children are still in primary school and high school to create some basic knowledge. Too often, people see human rights only in relation to legal processes, but they have to become aware that human rights have impact on their day-to-day lives. Therefore, organisations like AFAD and its members should come up with easy and accessible lesson plans to help teach the general public about human rights.

This way, in the long run, a big international movement can be created. AFAD and its member organisations can be the core of this, they can help provide people with the knowledge of how they can become active, use their voices, and together they should organise events to increase solidarity and become a powerful collective. There needs to be a place where the general public can get involved, maybe even included on the website of AFAD. While it is extremely difficult to create a big movement like this and it will take a lot of time, it is maybe the only solution for a world without disappearances if governments are not willing to cooperate as it is now. For this movement to become a reality, funding, research and people are needed. Creating lesson plans, organising events and ways to get the public involved online costs a lot of time and money. One option is to use crowdfunding.

Another way to get people more actively involved in the issue of ED is by creating a platform or place where the stories of victims of ED can reach the general public. Where facts and statistics usually do not really make an impact on people, stories of victims do. Take a look at for example the Anne Frank diary, the Anne Frank House in the Netherlands, or WWII concentration camps in Germany and Poland. These are the things that really reach people. Another example is the stories of people from the 'me too' movement, or interviews with students from school shootings in America. This is called the 'Identifiable Victim Effect', which entails that when one identified victim is made into a cause, there can be a great amount of support and aid. Yet when there is a big need, usually there is a lot less action and responses from society (Karen & Loewenstein, 1997).

The team thinks that AFAD and its members could use this effect in their favour by creating a museum, memorial, or another kind of emotional anchor that shares peoples stories and speaks to the emotions of the general public. To realise this, more research has to be done about how this effect works, why stories like Anne Frank's can be so touching, and what the best and most appealing ways are to tell stories about enforced disappearance. The feasibility of creating platforms/places in different countries should also be assessed. Because this takes a lot of time and possibly money, one idea could be to have future Windesheim Honours College minor students do research about these topics, possibly have them interview victims to collect stories, find out the best ways to display these stories and maybe even let them execute them.

If you are illiterate, and you don't know legal systems, you don't the international law, you don't know what conventions are. What you know is that there is no freedom of expression, the government could do anything to you, and that you could get taken away, or some one of your family could get taken away. And that fear, is very difficult to overcome. Because it is systemic.

Conclusion

As the advisory report has shown, there are some practices which can be improved or implemented in the reporting mechanism of ED of AFAD. The recommendations are based on the research that the research team conducted with 13 member organisations and 11 human right organisations.

Improvements as well as implementations are suggested mainly in participation and provision.

The first recommendations involves HROs retrieving more inspiration for their practices within the reporting mechanism from other regions where successful practices against ED have been created. This improves the collaboration in terms of sharing of information. This recommendation includes building an international network against ED and combine forces to fight together against enforced disappearance. It includes organising a forum for all stakeholders of the reporting mechanism to strengthen communication, especially between civil society organisations and the government.

To efficiently and quickly share documents and information, the second recommendation developed by the research team is to create a shared national databank. This databank would entail case files of several organisations, that can view and add information to it. A quick data exchange would be provided. The next recommendation is made with regard to organisations not willing to cooperate/share documents due to conflicts in values like politics or religion. To prevent this, an independent rapporteur could be a possible solution. Since interviewees often mentioned that public awareness about ED should improve, the research team suggests that human rights education should become more understandable and easy accessible, and a big international movement has to be created. Also, the team came up with the idea to create a platform or space where individual, powerful ED stories are made public. This is recommended since stories often have a bigger impact on people than statistics do. Meaning that when one identified victim is made into a cause, there can be a great amount of support and aid as compared to people only seeing the numbers.

Since many recommendations are based on improving collaboration, documentation and information sharing, some suggestions can be combined. For example, an international network can be introduced which also provides a shared data bank and offers the forum. The research team is aware that major changes in the already existing system are very time and money consuming, and there will definitely be challenges to get all organisations to work together. They also understands that some of these practices may not be feasible right now, but perhaps could be something to work towards. The team believes that these changes are worth putting time and effort in, because they trust that these practices could potentially provide major improvements in the reporting mechanism of enforced disappearance.

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Appendix

Appendix 1: Research Expand

