

Guidelines for Amnesty International Australia Human Rights Observers

Endorsed by the AIA Activism and Membership Committee - 12 February 2018

Endorsed by AIA Senior Leadership Team - 20 February 2018

Background:

This document sets out the Guidelines for the Deployment of Human Rights Observers by Amnesty International Australia.

The guidelines have been developed through a process of drafting and consultation with Australian and international activists during the second half of 2017.

The guidelines were applied in a pilot activity in January 2018 with the aim of developing and testing implementation processes. The pilot involved a moving protest associated with 26 January events, being the Invasion Day rally in Melbourne.

This was our second pilot of the Human Rights Observer program following a successful first pilot. The first pilot was at a static rally in Sydney.

The Guidelines form the basis for deployment of Human Rights Observers by AIA in keeping with the procedures and criteria set out here, from the time of adoption.

Guidelines for Amnesty International Australia Human Rights Observers

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1. What is an Amnesty International Australia Human Rights Observer?

- 1.1. An Amnesty International Australia (AIA) Human Rights Observer (an Observer) is an authorised representative of AIA who attends a public location where there is a significant threat that human rights violations may occur.
- 1.2. On behalf of Amnesty International Australia, a Human Rights Observer will observe, record and bear witness in the interests of defending and protecting human rights.
- 1.3. The Observer's role is to record, in writing and/or via audio-visual means, any activity that could constitute a violation of human rights. An Observer will not be a participant in, and will not seek to intervene in, any activity taking place at the location other than in the case of providing emergency humanitarian assistance.

2. What sort of activities will AIA send observers to?

- 2.1. AIA may send Observers to public activities where there in the organisation's assessment there is a genuine possibility that human rights violations may occur.
- 2.2. Examples of the kind of activities that may be appropriate to send Observers include public protests, and occasions where state force is being used to enforce laws with implications for human rights.
- 2.3. Under some circumstances AIA may choose to send Observers to support a specific AIA campaign objective, or as part of training and capacity building.

3. Is Human Rights Observation legal?

- 3.1. Observers will operate within the bounds of the law and obey all lawful instructions when undertaking this role.
- 3.2. Observers will be briefed on the legal status of their planned activities prior to deployment.
- 3.3. AIA notes that in almost all situations human rights observation is a legal activity, including recording activities that take place in a public space.

4. What will happen to records produced by Observers?

- 4.1. All records produced by AIA Observers will be collated by AIA and stored securely by the organisation.
- 4.2. AIA will coordinate the assessment of records to determine if human rights violations occurred and whether there is sufficient evidence to make a report either to the public or to the relevant authority.
- 4.3. AIA recognises that both the personal recollections of observers and any records made during activities may potentially become legal evidence.
- 4.4. Retrieval, distribution, archiving, sentencing and destruction of records will be undertaken in compliance with any relevant laws, noting that these do not constitute public records.

5. Can AIA participate in activities where there are Observers?

- 5.1. Based on international experience, AIA recognises that there is a perceived conflict of interest in cases where AIA acts as an official Observer in the same activity in which it is also a participant.
- 5.2. AIA staff, activists or other representatives may not participate in an activity where Observers have been deployed. This applies to activities which take place over multiple days or locations.
- 5.3. The AIA National Director must authorise any AIA involvement in an activity which may be, or perceived to be, related or linked to an activity where Observers have been used.

6. How will AIA decide which activities to observe?

- 6.1. The use of Observers represents a significant public gesture and may involve substantial resource allocation by AIA. For this reason, Observers cannot be offered for every activity where they may potentially have a role to play.
- 6.2. Considerations to be taken into account in deciding whether to use Observers include:

- Likelihood and potential impact of the risk of human rights violations
- Nature of the issue and its human rights relevance
- Nature of the activity and relevance for future defence of human rights
- Characteristics of participants, including the involvement of rights holders
- Alignment with AIA priorities
- Likely costs to AIA and availability of resources
- Expected impact of Observers in preventing human rights violations, or in ensuring accountability for violations.

6.3. The list of considerations may be changed or extended by agreement of the National Director or delegate.

7. **What is the authorisation process for deploying Observers?**

- 7.1. Approval of the National Director is required for Observers to be deployed. This approval may be delegated to another member of the Senior Leadership Team at the discretion of the National Director.
- 7.2. A proposal to send human rights observers to an activity will be in writing and should address the considerations listed above. A proposal may come from staff, activists or a Branch Committee.
- 7.3. The proposal will be considered by the managers of the relevant staff teams, and if recommended will be referred to the National Director for approval.
- 7.4. The Branch President of the relevant region should be informed when approval has been given for Observers to be deployed.
- 7.5. A briefing for the deployment identifying participants and other details should be provided to the Activism Manager and the Deputy National Director on the day prior to the deployment.

8. **Who can be an Observer?**

- 8.1. An Observer may be any of the following:
- A volunteer trained to an appropriate level and authorised by name
 - An activist trained to an appropriate level and authorised by name
 - A staff member of AIA
- 8.2. All Observers must be specifically authorised by AIA in writing in line with training, compliance and insurance requirements.
- 8.3. Authorisation of all roles rests with the National Director or delegate.

9. What support will AIA provide to Human Rights Observers?

- 9.1. AIA will provide Observers with relevant training and legal advice before they are deployed.
- 9.2. Observers will be provided with recording equipment, logistic support (for example transport, food and/or water) and supervision at the location.
- 9.3. Observers will always be deployed in teams of two at a minimum.
- 9.4. Observer teams will include team members with specific responsibility for media liaison and police liaison.
 - 9.4.1.1. The media liaison person will be responsible for coordinating any and all AIA media comment on the day of the observation.
 - 9.4.1.2. The Police liaison person will make initial contact with the officer in charge of police operations and will be the central point for all interactions with police during an observation.
- 9.5. A supervisor will be appointed for each team of Observers. The supervisor will be responsible for ensuring that all required authorisations, training, record keeping and other preparations and mitigations are in place prior to, during and after an activity.
- 9.6. A supervisor may be an AIA staff member, manager, or authorised and trained Branch Committee member.
- 9.7. AIA will debrief its observers after any deployment and provide access to trauma counselling if required.
- 9.8. If an AIA Observer is subpoenaed to appear as a witness in court proceedings AIA will pay reasonable costs for attending the proceedings.

Related documents

[Human Rights Observer 2016 trial evaluation](#)

[Brief: Human rights observers at NSW protests](#)

[Briefing from lawyers](#)

[Lead observer reporting form](#)

[Observer reporting form](#)

[Day run sheet](#)

[Observer enquiry card](#)

[Digital copies of the observer notes from the day](#)

DATE ADOPTED: 20 February 2018

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