

THE RIGHT TOOLKIT

APPLYING
RESEARCH METHODS
IN THE SERVICE OF
HUMAN RIGHTS

APRIL 2012



HUMAN RIGHTS CENTER
University of California, Berkeley
School of Law

KRISTIN REED
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The **Human Rights Center** at the University of California, Berkeley promotes human rights and international justice worldwide and trains the next generation of human rights researchers and advocates. As an independent research center housed in the Law School, our researchers apply scientific methods and innovative technologies to promote human rights and international humanitarian law. We use our research to develop and recommend policy measures to protect vulnerable populations. We provide students and advocates with the skills and tools to document violations of human rights and to turn this information into effective action. For more information on the Human Rights Center, visit hrc.berkeley.edu.

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The Human Rights Center founded the Human Rights Fellowship in 1994 to develop the next generation of human rights leaders. The program has supported more than 200 students in their work with partner organizations in the United States and abroad on the most pressing human rights problems.

Human rights fellows represent a wide range of disciplines, including but not limited to: anthropology, city planning, environmental science, journalism, law, medicine, political science, public health, and social documentation. Fellows ground their academic studies by addressing complex challenges in the field. The language of human rights offers Fellows a common lens to engage with peers from different fields of study, other geographic areas and alternate theoretical paradigms.

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1 INTRODUCTION

What methods can best help student researchers expose, examine, and analyze violations of human rights and their consequences? How can student researchers acquire these skills? And what are the ethical implications of human rights research and advocacy?

This guidebook aims to answer these questions. Encompassing a wide range of methods, the guidebook encourages students to transcend disciplinary and professional divides and explore new techniques to strengthen their research design and implementation. It invites readers to broaden their understanding of available methods and consider the best approach for their own research objectives. It also provides resources for further study. The guidebook is specifically designed to guide human rights fellows but can also be used by other students planning to undertake human rights-related research in the field.

This guidebook covers quantitative, qualitative and mixed research methods. To determine which methods to prioritize, the authors contacted eighty-three human rights practitioners to learn which methods they most frequently employed to address human rights problems. Based upon the results of this survey, the guidebook covers fourteen different research methods, tools and approaches.¹ Each section contains a brief description of a particular research method, an analysis of its advantages and limitations, reference materials, and a selection of resources explaining how to use the particular method and demonstrating its application in practice. This information is intended to help students select the appropriate methods to achieve their own research objectives.

The guidebook is a primer on methods used in human rights research. It is not intended as a substitute for instructional books on research design and methodology. Rather, it offers a cursory overview of various methods as a point of embarkation and cultivation of student interest in researching human rights problems. Researchers planning to use any of the methods outlined in this guidebook are advised to read additional works, including those listed under references and selected resources, for the selected method. The text of this primer is ordered to reflect the popularity of the research methods among human rights professionals affiliated with non-governmental organizations and universities (hereafter described as professionals) and human rights fellows who took part in our study; the more popular methods are described first, in greater detail, and with more references in comparison to less common methods.

About methods

Methods are the procedural tools researchers use to scientifically address research problems. Researchers use methods to collect and analyze data as well as to formulate and test hypotheses. Selecting appropriate research methods is an important part of research design. Appropriate methods are central to sound and re-

¹ Although trial monitoring and litigation are not traditional research methods, we have included these critical tools for documenting and addressing human rights abuses.

liable human rights research, whereas badly chosen methods can lead to “erroneous conclusions, bad policy advice and failure to improve human rights conditions on the ground” (Landman 2006:75).

A methodology is a broader description of the methods, analytical tools, and tasks a researcher will use to probe a research question. When developing a methodology or choosing a method, researchers should also consider how they plan to use the evidence collected or analyze the data after collection. For example, does evidence need to be court-admissible or quantifiable? What data analysis tools will be applied (*e.g.*, SPSS, NVivo)? Plans for data organization and analysis should inform the methodological strategies a researcher chooses at the outset.

The choice of particular research methods (quantitative, qualitative or mixed) depends on the questions researchers want to answer, theories they want to test, and time and material resources available for the study. Jana Asher uses the metaphor of a forest to describe quantitative information’s ability to provide “an aerial snapshot” whereas qualitative information would be “akin to the trees, or a picture of an individual tree” showing “the pattern of the bark, the knotholes” (2010). Following this metaphor, she explains how pairing quantitative information on “what happened and the prevalence/intensity of the violations” and qualitative information on “the details of an individual’s human rights violations experience” provides “the best overall picture of mass human rights violations [...] by combining the forest and the trees” (*ibid.*).

Whether using qualitative or quantitative methods, researchers should consider how to design their research to yield reliable, consistent and accurate results. Many social scientists use mixed-method approaches, for example, balancing statistical analysis with narratives. Triangulating data sources, methods and theoretical perspectives can help researchers challenge assumptions and assess the trustworthiness of data (Lather 1986). In cases where researchers wish to establish causal relationships or generalize findings beyond a particular study, they should take care to ensure internal and external validity. Internal validity refers to the researcher’s confidence in causal inferences within the study and external validity means that the findings can be generalized beyond that study. Careful planning and proper implementation of the research project (*e.g.*, selecting representative samples, replicating findings in different settings, *etc.*) can help researchers to avoid validity-related problems.

Researchers must recognize their own inherent biases, for “what we choose to observe, what we consider to be data, what we write about and how will always be affected by our personal and institutional values, and the underlying assumptions absorbed through our training” (Wilson 1993:181). Moreover, in a highly charged field such as human rights, researchers must always be aware of “confirmation bias,” which is a cognitive bias whereby one tends to notice and look for information that confirms one’s existing beliefs, whilst ignoring anything that contradicts those beliefs.

Finally, incorporation of ethical standards is critical to any research design, especially in human rights investigations of sensitive topics in vulnerable populations. The 1979 Belmont Report delineated a set of “ethical principles and guidelines for the protection of human subjects and research” based on respect, beneficence and justice. Following these principles, researchers have a duty to obtain voluntary informed consent from all individuals involved through protocols pre-approved by an Institutional Review Board. Human subjects must be protected from physical or psychological harm, selected according to fair procedures, and engaged without unjustifiable deception. In some cases, researchers may need to protect study subjects by way of confidentiality (not revealing information) or anonymity (not revealing identity). Students at UC

Berkeley should refer to the Committee for the Protection of Human Subjects (<http://cphs.berkeley.edu>) to guide development of informed consent procedures and instruments.

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2 OUR METHODOLOGY

As authors of this guidebook, we recognize the value of describing the details and limitations of the methods we used to gather the information presented here. In Spring 2011, we conducted a non-random Internet-based survey to collect data about human rights methods. In total, we collected responses from 83 individuals working on human rights issues (33 human rights fellows and 50 human rights professionals) in a variety of ways (research, teaching, advocacy *etc.*). The response rates were around 21% for human rights fellows and 11% for human rights professionals.

Since the aims of our study were to gain a better understanding about research methods used in the human rights field and provide guidelines for the future fellows at the Human Rights Center, we did not select our sample randomly, which would be appropriate for generalizable findings. Thus, our findings are mostly limited to this particular sample and may not be representative of the human rights field in general. We selected our respondents using convenience and snowball sampling techniques.² As a result, some disciplines may be under-represented and others over-represented.

In the first stage of the study, we prepared a pilot survey for human rights fellows. In the second stage, we distributed our main survey to a number of human rights professionals. Our main survey had 11 questions (7 open-ended and 4 multiple-choice).

2.1. Human rights fellows survey

Responses from the survey of human rights fellows served to improve the survey design and questions for human rights professionals. The pilot survey was sent to 158 human rights fellows from a variety of disciplines; 33 responded to the survey.

Methods

Respondents were asked to select one or more methods applicable to their human rights fellowship; 33 fellows selected 93 methods in total, representing about 2.8 methods per respondent. The most popular methods were: semi-structured interview (selected by 61% of respondents), case study (45%), ethnography (36%), archival research (27%) and statistical analysis (21%). For a full list of methods, see the figure at right.

² In convenience sampling respondents are selected based on their availability for the study. In our survey we included only those human rights professionals whose contact information we already had or were able to find online. In snowball sampling, respondents are selected on the basis of other respondents' reference.

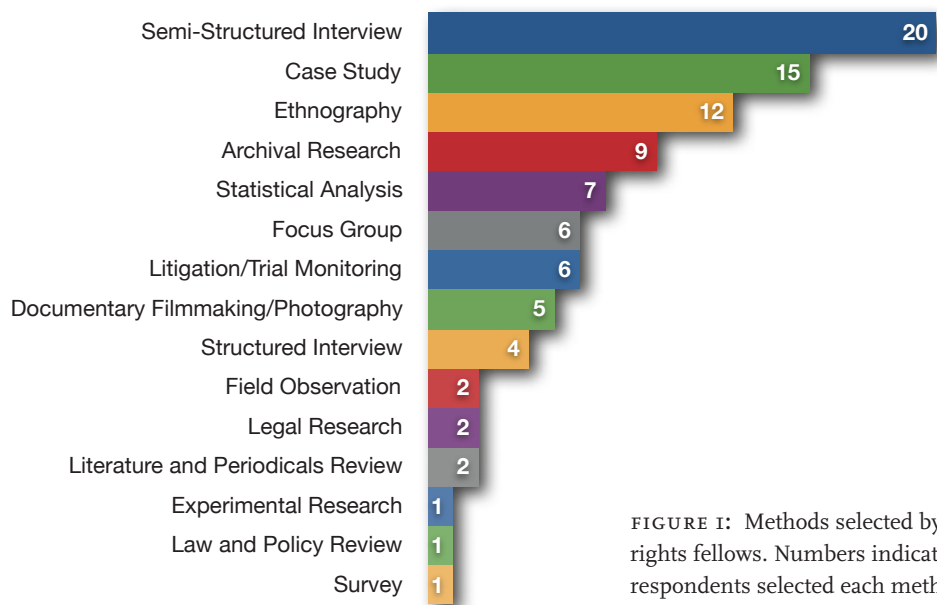


FIGURE 1: Methods selected by the human rights fellows. Numbers indicate how many respondents selected each method.

Disciplinary background

Of the 33 respondents participating in the survey as human rights fellows, 8 (24%) indicated the field of law as their disciplinary background, 6 (18%) environmental studies and geography, 4 (12%) anthropology, 3 (9%) public health and medicine and 2 (6%) information studies and journalism. For a complete list of disciplines, see the figure below.



FIGURE 2: Disciplinary background of the human rights fellows. Numbers indicate how many respondents selected each discipline.

2.2. Human rights professionals survey

We collected 514 email addresses from different human rights professionals in both academia and non-governmental organizations (NGOs). While the majority of respondents were targeted because of their connection to the human rights fellows (*e.g.*, partner organizations), the rest were included because we knew about their work in the human rights field. Out of 514 email addresses 43 were invalid, which meant that 471 individuals actually received an invitation to participate in our survey. After three follow-up emails, we received a total of 50 responses.

Methods

Survey respondents were asked to select as many methods applicable to their work as appropriate. The 50 respondents chose a total of 238 methods³ (on average, 4.8 methods per respondent). The majority of respondents (70%) selected 4 or more methods, 8 respondents selected 2 or 3 methods and 6 respondents said they used one method to address human rights issues. Most of those surveyed (68%) said they used only qualitative methods to address human rights issues, while 30% used both qualitative and quantitative methods.⁴ None of the respondents selected quantitative methods alone.⁵ The most popular methods among the respondents were: case study (selected by 62% of respondents), archival research (46%), semi-structured interview (44%), literature review (40%), field observation (36%) and legal research (34%). For a full list of methods refer to the figure below.



FIGURE 3: Methods selected by the human rights professionals. Numbers indicate how many respondents selected each method.

Fifteen respondents complemented our list of methods by providing a method of their choice (“Other method”). Refer to the table at the right for details.

³ One respondent did not select any methods despite describing his/her work as “research on human rights.”

⁴ We counted survey, statistical analysis and experimental research as quantitative methods.

⁵ This finding may reflect a disciplinary bias toward qualitative and mixed methods approaches or a dearth of training in quantitative methods among researchers in the field. More research is needed for a definitive answer.

Method	Respondents
Advocacy	1
Assisted computer journalism	1
Collaboration with grassroots groups and activists to mobilize public pressure	1
Complaints	1
Discourse analysis	1
Documentary animation	1
Education	1
Game theoretic models	1
Hidden camera research and data visualization software	1
Investigative journalism	1
Public records research	1
Teaching	2
Textual analysis	1
Theory	1
Total	15

TABLE 1: Methods provided by the human rights professionals.

Disciplinary background

Fifty human rights professionals who participated in our survey indicated 16 different disciplines to describe their work. With the exception of law (selected by 9 respondents), there were no other dominant disciplines. Five respondents described their disciplinary field as “human rights.”⁶ For a full list of disciplinary backgrounds, see the below chart.



FIGURE 4: Disciplinary background of the human rights professionals. Numbers indicate how many respondents selected each method.

⁶ Out of 5, 2 respondents were counted as representatives of “environmental studies” (“rainforest preservation, human rights” and “international environmental public interest law, with emphasis on human rights and the environment”) and the rest as “human rights.”

Human rights work

When asked about their engagement with human rights issues, half of the respondents described their engagement as “very often” or “always”; 16 (32%) said they addressed human rights issues “often”; 7 (14%)—“rarely”; 1 respondent—“never” (describing his/her engagement as “doing research, not advocating”); and 1 respondent—“other” (indicating that he/she was “challenging the concept of human rights.”)

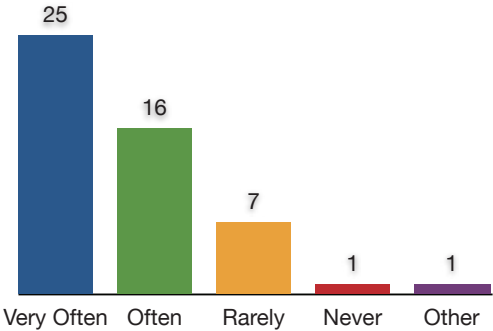


FIGURE 5: Respondents’ engagement with human rights. Numbers indicate how many respondents selected each answer.

Sector

The human rights professionals are largely divided into two sectorial categories: NGOs and academia. Despite the fact that we sent more survey invitations to individuals from NGOs, the majority of respondents who decided to take part in our survey were from academia (34 respondents), as compared to 14 from NGOs and 2 from other sectors (“online media” and “independent film-making”).

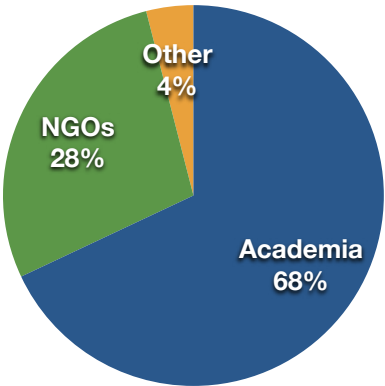


FIGURE 6: Sectorial background of the human rights professionals.

3 CASE STUDY

Researchers using a case study approach seek to answer a concrete research question through investigation of a specific case (Yin 2008). The researcher gathers evidence from multiple sources in an effort “to understand the case in depth, and in its natural setting, recognizing complexity and its context” (Punch 2005:144). The case study approach encourages the researcher to draw from multiple sources of evidence and employ various methods (*e.g.*, interview, observation, document review, *etc.*), allowing for triangulation and verification of data.

A case can be an individual, a process or phenomenon, an event, a community or country, *etc.*, so long as its boundaries are clearly defined by the researcher. Case studies are best suited to “How?” or “Why?” questions using a descriptive or explanatory approach. Each case investigates a discrete number of variables to develop an argument for causation or correlation. These variables may include well-defined types of actors, events, occurrences or actions.

A case study researcher begins by defining the parameters of the case with a clear plan for collecting relevant data and marshaling the evidence to make specific claims. Yin (2008) delineates six critical steps in the case study methodology: plan, design, prepare, collect, analyze, and share. Case studies are particularly useful for generating and testing hypotheses. The researcher may pursue a single case study to generate a hypothesis or a comparative study to test the hypothesis across a range of selected cases. When considering multiple cases, researchers must clearly outline selection criteria to avoid bias.

Case studies are commonly used in the human rights field. They may be used to assess the applicability of findings from one case on another, generate hypotheses based on evidence from several cases, or establish new classifications (Landman 2009:36–7). Many human rights agencies publish country reports, essentially case studies on compliance or violations of human rights conventions within a particular country for a given year. These reports are commonly organized to cover the same set of concerns each year to allow readers to make comparisons over time or between countries.

3.1. Survey findings

Our survey results show that case study was the second most popular method among human rights fellows (selected by 45% of respondents) and the most popular research method among human rights professionals (selected by 63% of respondents). Among the professionals, case study was similarly popular within NGOs (selected by half of all NGO representatives) and academia (selected by 65% of academics).

3.2. Advantages

Case study as a method is well suited to detailed analysis of complex, understudied issues. Punch contends, “Only the in-depth case study can provide understanding of the important aspects of a new or persistently problematic research area” (2005:148). Fellows and professionals working in the human rights field ap-

preciated the ability to incorporate various data sources and collection techniques to create a case study. The approach is flexible, allowing for application across disciplines and incorporation of evidence from less common sources. One survey respondent explained that this flexibility makes the case study approach “an optimal method for situations that are culturally or political sensitive and access to data sources are limited.”

Policy analysts and legal experts use case study as a powerful tool for interpreting court decisions in relation to rules and principles of international human rights law. One respondent used case study methods to “gain insights into how ordinary people are impacted by legal processes and compare these insights with institutional perspectives.” Another recognized case study as a powerful method for the challenging task of corroborating allegations of human rights abuse through multiple forms of evidence (*e.g.*, testimonial, forensic, *etc.*).

The case study approach is equally effective for desk research, drawing from publicly available secondary sources. Human Rights Watch uses a combination of desk and field research to conduct case studies. A researcher within the organization said, “Case studies allow us to focus on the specifics of how a violation is carried out.” In the field, the organization’s case study methodology “is designed to elicit truthful testimony, which involves careful selection, introduction, and triangulating responses.”

Case studies are also a compelling way to present human rights research. The approach offers an opportunity to analyze evidence from a variety of angles to adequately depict complex situations. Scholars in public health give voice to stakeholders through case studies featuring quotes and comments from affected populations. Journalists often use case studies to present human rights issues, sometimes providing community perspectives that enrich the storyline. Social documentarians often present a particular case through film as a means to advocate for human rights or demonstrate violations.

3.3. Limitations

The case study method is not appropriate for abstract theoretical research. The parameters must be clearly defined at the outset to avoid a ballooning effect. One case study researcher observed, “The biggest challenge is that the researcher is gathering data from a number of sources relevant to his/her particular case, so the case itself needs to be delimited appropriately or the project might grow to be too big.”

Case study variables must be well defined to avoid problems with external and internal validity, especially within comparative investigations. Single case studies are not suited to generalization, limiting the explanatory reach of the research. Any researcher conducting case studies must also be mindful of his or her multiple—and sometimes conflicting—roles in the research process (*e.g.*, participant and critical observer).

Finally, gathering data from multiple sources can require a great deal of time and resources. A human rights professional warned case study methodology is “expensive” and “painstakingly slow.” As with other methodological approaches, researchers should select only methods that guarantee human subjects adequate protections when designing a case study to investigate sensitive issues.

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4 DOCUMENT REVIEW

The category of document review refers to a variety of ways researchers examine and analyze different types of documents relevant to a case under study (*e.g.*, books, periodicals, historical records, legal acts *etc.*). Types of document review include: archival research, legal research, literature and periodicals review, policy review, textual/content analysis, and public records research.

Scholars should always consider the authorship of the literature and the reliability of the source as part of the review process. For example, is the piece based on primary or secondary research? Has the research article been peer-reviewed and published in a respected scientific journal? Or can it be characterized as a “white paper” or “grey literature” internally reviewed and produced by a government, academic or business institution? Researchers gleaning data from newspapers and other popular press materials may wish to double-check key figures with additional sources.

Archival research is a study based “upon public and private formal documents, records, and other material of a historical nature” (McNabb 2004:453). Police records and government statistics may be considered archival sources. Legal research is a process of reviewing and analyzing information (legislation, court decisions, case-law, legal literature, *etc.*) relevant to a study/case in the law field. According to one survey respondent legal research plays an important role in legal work, because it is “a primary way to generate knowledge and guide future action.” Literature review is “a systematic, explicit, and reproducible method for identifying, evaluating, and interpreting the existing body of recorded work produced by researchers, scholars, and practitioners” (Fink 1998:3). Literature review is a good way to collect background information about a particular topic, to identify key problems, their solutions and existing research gaps. All this information can be used to design new studies and projects. Some human rights activists embrace policy review, a process of analyzing government policies in the field of interest. For example, one human rights professional shared her experience of reviewing family-related policies in Arab countries, which occasionally resulted in action: “Our members at times intervene in policy matters related to families and youth.” Textual or content analysis is a method of analyzing contents of written documents to identify patterns that can be evaluated to uncover qualitative meaning or quantitative significance.

4.1. Survey findings

Out of 50 human rights professionals, 23 (46%) selected archival research (it was the second most popular method among the professionals), 20 (40%)—literature review, 17 (34%)—legal research, 13 (26%)—policy review, 1—public records research, and 1—textual/content analysis. Among the human rights fellows, 9 (27%) selected archival research, 2—literature/periodicals review, and 1—policy/law review.

4.2. Advantages

If the researcher has access to the documents in his/her interest area, document review can be a cost-effective method for desk research or projects with limited budgets. It is also a good way to learn about an unfamiliar subject, gather contextual information, or triangulate data collected through other methods. One human rights professional noted the utility of document review as “a powerful tool to sensitize students who know nothing or little about human rights violations.”

Another human rights professional pointed to literature review as a method for providing “information about methodological approaches, comparative case studies, and potential insight into strategies to address or resolve human rights struggles.” Another cited the importance of literature review as “an opportunity to link one’s research to the work of others, which is fundamental to the academic endeavor.”

Literature review is especially valuable in the preliminary stages of a research project as a means to identify gaps in existing research and to raise new problems. Similarly, legal research and policy analysis help researchers understand a particular problem and build more successful legal cases or policies in the future.

When examining historical cases of human rights abuse, investigators may be limited to archival research. One human rights professional referred to archival documents as “extraordinary small slices of available data.” Archival research is an excellent method for elucidating the evolution of the particular case under study. As one human rights professional explained, “It helps to understand where perspectives and stakes have come from.”

Textual or content analysis has an advantage as a “structured method for quantifying the contents of a qualitative or interpretative text,” which operates through “a simple, clear, and easily repeatable format” (McNabb 2004:470). One human rights professional valued textual analysis of documentary films as “a way to celebrate the findings of a particular documentary while also probing underlying assumptions and internal contradictions.”

4.3. Limitations

Document review can become time-consuming when the researcher does not delineate clear boundaries. One scholar argues that the most common problem when it comes to legal research is “the difficulty of knowing when to stop searching” (Armstrong 2004:3). Another scholar recognizes the major limitation of textual or content analysis as the loss of contextual meaning when “isolating bits of information from their context” (McNabb 2004:470). In case of archival research, the researcher must rely on information collected by others, which might not always be accurate and complete. According to one fellow who conducted field work in Sierra Leone, “When examining past documented cases, I was forced to rely only on what the records stated, which did not allow me to fully understand each case.” Therefore, document review should be complemented with other methods of research in order to obtain a more complete picture of reality.

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5 INTERVIEW

An interview is an oral conversation between two individuals, usually conducted in person or by phone or VOIP (e.g., Skype). This very popular data collection tool enables researchers in a variety of fields to access “people’s perceptions, meanings, definitions of situations and constructions of reality” (Punch 2005:168). Anthropologists and lawyers alike use interviews to elicit oral history or testimony from an individual.

Where language and cultural gaps exist, researchers will require interpreters to conduct interviews. Interpreters are not merely translators—they can also serve as a cultural bridge, when appropriate. Take time to consider all the technical, philosophical and ethical considerations of using an interpreter well before selecting one. For example, when interpreters and victims of human rights abuses to be interviewed are from related—or even opposing—groups, the process of interpreting the interviews could retraumatize the interpreter.

Even after the most rigorous vetting process to select an interpreter with the least bias and greatest skill, the researcher will need to delineate key details such as how the confidentiality of research subjects will be maintained and when the interpreter is expected to provide the essence of what is said or verbatim translations. Interpreters should convey an interview in the first person by repeating verbatim the words of the interviewee rather than saying “she said” or “he said” because this may lead, consciously or unconsciously, to editing the content of the interviewee’s remarks. Employing the first person also helps convey the emotions of the interviewee, which is important in human rights reporting.

Interviews may be structured or semi-structured. In a structured interview, the researcher follows a set interview guide and asks all respondents the same set of standardized questions in the same order. In this format, “flexibility and variation are minimized, while standardization is maximized” (Punch 2005:170). Structured interviews are appropriate for clinical settings. Lead researchers may also choose to use structured interviews when employing research assistants to ensure uniform application of the instrument. Researchers should plan to validate the interview tool before implementing more broadly. Where necessary, translation and back-translation of the tool can also help to ensure the tool adjusts for nuances in the local language.

Semi-structured interviews allow for more flexibility. An interview guide may still be used, but the interviewer may change the order of discussion and subtract or add questions at will. A semi-structured format allows researchers to adapt questions for a particular context or respondent. For example, a set of semi-structured interviews designed to collect information on a particular human rights atrocity will likely pose different questions to witnesses or survivors, perpetrators, and legal experts familiar with the case. The semi-structured format also grants interviewers freedom to pursue interesting leads raised by the interviewee by adding follow-up questions.

A good researcher enters the interview process with the “receptivity to learn rather than to prove pre-existing ideas that are brought into the interview” (Anderson and Jack 1991:12). Open-ended interview

questions (requiring more than an affirmative or negative response) may elicit greater opportunities for reflection. Leading questions should always be avoided. Researchers may choose to ask questions touching on more sensitive topics in the latter part of the interview, once they have developed a rapport with respondents. Sensitive topics may include anything of a personal, cultural, legal, monetary, religious or other nature that could be used contrary to the informant's interests or desires (Christensen 1993). Researchers can also choose to use hypothetical situations to assess values while mitigating sensitivities.

Informed consent should be obtained prior to beginning interviews, with additional permission to record the interview through audio or video devices where desired. Interviewers should refrain from taking notes or recordings in cases where vulnerable subjects do not feel comfortable. If direct quotes are to be used in papers presenting research findings, they should be transcribed and checked for accuracy. Apart from merely recording key statements, an interviewer should also note the respondent's facial expressions, emotional state, emphasis on particular words, or pauses in speech (Anderson and Jack 1991). Researchers should take care that transcription or note-taking does not interfere with the interview process. Learning shorthand or developing a customized set of abbreviations can be useful in lengthy interviews—or in interviews touching on sensitive topics. A standardized system of marks in the margins can also be used to indicate where and what kind of follow-up may be needed on specific details. Finally, researchers should be aware of “recall or reporting bias,” in which informants misremember, exaggerate, or downplay events when the passage of time or exposure to outside influences (e.g., media coverage or peer opinions) that distort their memory.

The interview process may cause psychological distress for respondents who have experienced trauma. All interviewers should be able to recognize signs of extreme stress in interviewees and be prepared to discontinue an interview when appropriate. Researchers should also be trained to respond to particular psychological reactions and be prepared with a list of resources and/or references in case a respondent wishes to seek counseling or desires further information.

5.1. Survey findings

The results of our survey show that a semi-structured interview is more popular than a structured interview: the former was selected by 61% of surveyed human rights fellows and 44% of human rights professionals, while the latter was chosen by 12% of fellows and 18% of professionals. Interview was the most preferred by the respondents with disciplinary background in law, anthropology, environmental studies and sociology. According to our survey findings, interview was slightly more preferred by the human rights professionals from academia (56% of all academics selected some type of interview) than NGOs (43% of all representatives selected interview).

5.2. Advantages

Semi-structured interviews offer researchers the opportunity to collect information through oral accounts when written sources are absent, unreliable, or unobtainable. They are also a useful tool for gathering preliminary data and exploring new ideas. A human rights fellow said that, in the preliminary stages of

fieldwork, “Semi-structured interviews were the most important method for orienting myself to a new field and subject.”

Obtaining information through interviews requires building trust, but a human rights professional working with undocumented immigrants noted that in-person interviews themselves could also be a good way of establishing trust. Through the interview process, a researcher can demonstrate strong listening ability and interest in the respondent’s condition or situation.

One of human rights professionals responding to the survey welcomed insights gained through interviews, including the ability “to understand the individual experience as well as identify patterns and/or quantify the experiences of many.” Researchers can use interviews as a method for gathering input from all segments of the population, including illiterate persons unable to respond to written instruments. Human rights professionals appreciated interviews as a means to get “perspectives on the ground from various state and non-state actors” as well as “an accurate up-to-the-minute view of what’s happening in the field.”

5.3. Limitations

As with other qualitative methods, interview data may not be generalizable across cases or time periods. The amount of time required to conduct each interview usually constrains overall research sample sizes, also contributing to difficulties in generalizing the findings.

A human rights fellow with a research design relying heavily on semi-structured interviews noted difficulties associated with scheduling interviews and the enormous amount of time devoted to transcription. Another fellow recognized that interviews with bureaucratic officials “ended up being somewhat limited to the official lines that they have to carry out,” thus yielding little of the surprising information often sought in interviews. Sensitivities constrained another fellow’s ability to explicitly interview informants about sorcery “because one is asking about evil and so some people do not wish to own up to knowing about these matters.”

Some professionals expressed concern about confidentiality to avoid putting an informant’s safety at risk by participating in the interview process. One said, “Human subjects protection is the biggest concern.” A human rights professional working with undocumented immigrants stated that interviews “should be avoided in situations in which the research would expose interviewees to officials who might open deportation proceedings.”

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6 ETHNOGRAPHY

Ethnography is a research method that seeks to understand and explain practices, events and behaviors within the context of a particular culture. Ethnographers do not set up experimental conditions. Instead, they use the power of observation to understand a way of life from the point of view of its participants (Punch 2005:149). Observation can be structured and unstructured as well as participant or non-participant. In non-participant observation the researcher has a passive role: “Observers neither manipulate nor stimulate the behavior of whom they are observing” (Punch 2005:179). Data collected during the process of observation can be recorded with the help of video/audio equipment as well as field notes.

Many anthropologists and other social scientists favor ethnography as a means of relaying “cultural context and symbolic significance of behavior we need to understand, in a way that other research approaches cannot” (Punch 2005:154). Geertz (1973) explained the dynamics of “thick description” in ethnographic research. This method involves collection of an extensive array of in-depth data from multiple angles and sources. The researcher may draw data from informal conversation and participant observation or in-depth interviews, surveys and life histories. Taking up residence within the community offers ethnographers a unique window on social practices and cultural constructs. Study of historical and environmental factors can reveal how outside forces shape culture, while storytelling presents internal reflections.

Some ethnographers use a “grounded theory” approach (see Glaser 1967) enabling the researcher to develop theory from the data collected, as opposed to drawing on a theoretical framework as a means of prediction or hypothesis in the prospectus phase. Data collection is unstructured and any observation may qualify as data. The researcher develops categories for coding data only after a significant number of observations, rather than applying a predetermined coding paradigm.

As a method, ethnography is appropriate “when we need to understand the cultural context of behavior, and the symbolic meaning and significance of the behavior within that context” (Punch 2005:154). It is particularly useful when the research question or context is unfamiliar. Given the weight of data collection, ethnography is suited to a relatively small-scale focus on a single setting, a group of people, or even an individual (Hammersley 1990).

6.1. Survey findings

Ethnography was the third most popular method among the human rights fellows selected by 12 (36%) respondents and the eighth most popular method among the human rights professionals selected by 13 (27%) respondents. Around one-third of the fellows and the human rights professionals who selected ethnography as a human rights method had background in anthropology. Among the human rights professionals, ethnography was more popular among members of academia (chosen by 38% of all academics) than representatives of NGOs (none of the representatives selected this method).

Field observation, a tool commonly used in ethnography, was the fifth most popular method among the human rights professionals (36% of professionals selected this method). In comparison, only 6% of the human rights fellows selected field observation. Our findings show that observation was more popular among the human rights professionals from NGOs than from academia: half of the professionals from NGOs selected observation compared to 29% from academia.

6.2. Advantages

The biggest advantage of ethnography is that it allows the researcher to observe the subject of a study from a very close distance. It also gives the researcher “an accurate up-to-the-minute view of what’s happening on the field and allows to conduct our work accordingly.” In the words of one of the survey respondents, the method allows researchers “to get first hand versions of each case and to do the probing.” Another survey respondent, trained in anthropology, celebrated ethnography as “the central method by which we are able to deeply understand the world of others.” This human rights professional explained, “To understand the subjective experience of human rights abuse or struggle to have human rights issues resolved, ethnography allows the scholar to represent how the world looks, sounds smells, feels, *etc.*”

Ethnographic methods yield rich testimonies, personalized accounts of events, and experiential knowledge. Fellows claimed that ethnography is the “best way to get at information about people’s everyday lives” and understanding “everyday practices of challenging the existing status quo, or reinforcing it.” Another fellow said that multi-sited ethnography offered a unique opportunity to “follow struggles over land and livelihood in multiple arenas of negotiation and contestation, included in village, social movement organization, district government institutions, *etc.*”

One human rights professional cited ethnographic methods as a “way of establishing trust” with target communities by participating in daily activities over extended periods of time. Direct participation in daily activities can also reveal perspectives complementary—or even contradictory—to those expressed in formal interviews. A fellow respondent echoed, “I believe that there is often a gap between what people say and what they do and ethnography helps to bridge that gap.”

6.3. Limitations

Ethnography is a time-intensive approach. Ethnographers must work to build trust and rapport with subjects before engaging in long in-depth interviews or tracing life histories. However, research subjects may have difficulty understanding ethnographic methods and how data gained through participant observation will make a difference in their lives. Data collection may also require understanding of policy processes within state institutions to gain access to specific documents. Researchers may also need to develop proficiency in a local language.

Results generated through ethnographic methods cannot be generalized and analysis is usually limited to smaller scales by the time-consuming nature of data collection. As one researcher noted, “Ethnographic methods are limited to the extent that the researcher cannot do large-scale examinations. There are only so many face-to-face interviews a researcher can do. At the same time, these moments of intimate engagement are essential to counter more simplistic methodological approaches such as surveys, which can only elicit certain information.” Although ethnographic methods can reveal particularities other methods can-

not, other methods (including archival and secondary source review) are useful for triangulation and verification of data.

Ethnography is *not* an appropriate approach when interactions with research subjects may endanger them. A human rights fellow explained, “I could *not* do ethnography since talking with local people during their day-to-day activities could jeopardize their safety to be seen talking to a foreigner.” Researchers should assess the risks to participants, including bodily harm, deportation or ostracism. As one ethnographer explained, “If the informant’s safety is at risk by participating in the methods, then the risk is too great.” Any recordings, interview notes, or coding materials should be kept in a secure location to minimize risk to study participants.

Finally, ethnographers must be aware of any potential bias or partiality in the analysis, given the relationships formed with research participants: “Because the researcher is both participant and critical observer, the lines between the two roles are complicated and need to be navigated thoughtfully, carefully.”

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7 LITIGATION AND TRIAL MONITORING

Human rights litigation is a means to address human rights issues through legal channels (*e.g.*, courts, tribunals). Litigation is not a research method, *per se*, but as a tool for advancing human rights it entails research through other methods, such as interviews and document review. Human rights cases can be brought against individual perpetrators, legal entities (*e.g.*, corporations)⁷ and states. Cases may be criminal or civil. For example, human rights claimants in the United States can file civil lawsuits and receive monetary damages for their injuries under the Alien Tort Statute (ATS), the Torture Victim Protection Act (TVPA), and the Racketeer Influenced and Corrupt Organizations (RICO) Act.⁸

Multiple venues are available to seek justice through litigation (*e.g.*, national, regional or international courts), yet plaintiffs may face significant constraints such as corrupt and dysfunctional national courts or jurisdictional limitations in foreign, regional and international courts. Human rights NGOs like the Center for Justice and Accountability (CJA) use litigation as a means to help victims seek accountability for violations, secure redress for grievances, and extend legal protections.

Trial monitoring is a tool that can be used to uphold human rights through observation of legal proceedings. International organizations, such as the Organization for Security and Co-operation in Europe (OSCE), monitor trials to assess whether countries have fair, transparent, and independent judicial systems and to encourage rule-of-law reforms when necessary. For example, the aim of the OSCE's trial monitoring mission in Armenia was to gather information about compliance with relevant domestic and international fair trial standards, identify possible shortcomings, and present Armenian authorities with recommendations for improvement (ODIHR 2010).

Some NGOs undertake trial monitoring because the presence of impartial observers might compel corrupt judiciaries to conduct a fair trial. Open Society's initiative to monitor international trials (including those of Charles Taylor and Thomas Lubanga) aims to impart transparency and create opportunities for public discussion.

Individuals who conduct trial observations should be independent, impartial, and familiar with human rights law and international fair trial standards. International organizations and NGOs often task lawyers and human rights professionals with trial monitoring because they are most familiar with trial details, applicable international laws, as well as the human rights situation and legal structure pertaining to the relevant country or countries. All researchers or entities involved in trial monitoring should obtain proper permissions from authorities in a timely manner before embarking on a research project relying on the method.

⁷ Due to a lack of international tribunals accepting cases in which plaintiffs are able to sue transnational corporations for human rights breaches, "the most comprehensive judicial discussion of non-governmental liability under customary international law has arisen in national courts" (Joseph 2004:10).

⁸ For example, in the class action lawsuit *Bowoto v. Chevron*, plaintiffs from the Niger Delta region of Nigeria attempted to use the TVPA and the ATS to hold Chevron accountable for violence against unarmed protestors perpetrated by Nigerian security forces. They also sought monetary compensation under the RICO Act and California state law.

7.1. Survey findings

Twelve (24%) human rights professionals and 6 (18%) fellows indicated litigation or trial monitoring as a tool they use to address human rights issues. Of all human rights professionals who selected these tools, half had background in law and legal studies compared to 83% of the fellows who selected them. The remainder of respondents selecting litigation or trial monitoring had disciplinary backgrounds in sociology, women's studies, political science, environmental studies and literature. According to our survey findings, these tools were more popular among the human rights professionals from NGOs than from academia: 57% of all NGO representatives and 12% of all academics selected them.

7.2. Advantages

Litigation is a means for ending impunity for violations of human rights as well as securing justice for victims of some of the most egregious crimes, including torture, genocide, and crimes against humanity. According to one human rights professional, "Holding perpetrators accountable through law helps to end the impunity that gives rise to serious human rights abuses." Legal action can also help prevent future abuses as well as "expose what the perpetrators have done and cause embarrassment to the perpetrators" (Steiner *et al.* 2007:1206). Critical details on human rights abuses gathered during discovery can fill gaps in the historical record and deter future violations.

Litigation is one way to empower victims of human rights abuses, which could aid their recovery from experienced trauma. CJA describes litigation as a way for survivors "to experience a sense of justice, a sense of meaning in their survival, and a tremendous satisfaction in knowing that they have brought dignity to themselves and the memories of those who were killed or tortured."⁹ In addition, litigation helps to educate people about their rights and spread that knowledge to other situations and communities. In the words of one respondent: "It is very common that people are not even aware of their rights, so intervening in one situation can also help them to get educated and then use similar arguments in similar situations."

Trial monitoring is another method to promote human rights and enhance rule of law. Trial monitoring can yield both immediate and long-term benefits. The presence of independent observers might compel judges to provide a fair trial, which would not be possible otherwise. This, in turn, may increase public confidence in a country's judicial system. By using information collected during trial monitoring missions, international organizations and NGOs can make recommendations on how to improve countries' legal systems and even assist in practical implementation of such reforms (*e.g.*, training legal staff).

7.3. Limitations

Although successful litigation of human rights cases is very important both for victims of human rights abuse and for implementation of justice, it is a relatively complicated tool requiring great resources and knowledge. Litigating human rights cases in courts requires legal expertise, which few victims of human rights abuses possess. Even explaining legal concepts such as "fair trial" to survivors of human rights abuses can be challenging. As one survey respondent stated, "Litigation can be an abstract concept for the com-

9 Quote from the Center for Justice and Accountability website at: <http://www.cja.org/section.php?id=87>.

munities it is meant to serve.” In addition, litigation is a very slow and expensive process. According to one human rights professional representing an environmental NGO, it takes about 8–10 years for a case to be successful at the Inter-American system (in addition to litigation in national courts). Since most plaintiffs cannot afford to pay for the work of lawyers and other experts involved in the case (*e.g.*, forensic investigators, medical professionals), they often have to rely on *pro bono* work of various law firms.

“The strongest limitation is that law is generally constrained to the remedies defined within statutes. That is, without a ‘remedy,’ you have no case,” said one human rights professional. Statutes of limitation may restrict a plaintiff’s ability to file suit, depending on the severity and nature (*i.e.*, civil or criminal) of the alleged violations. For example, in the United States, human rights litigation is limited to civil lawsuits, which must be served while the defendant is present in the country. As a result, even if the case is won, the perpetrator’s punishment is limited to monetary damages and public exposure.¹⁰ In the view of one human rights professional, “Criminal prosecution is more appropriate.”

Law enforcement officials tasked with a human rights case may lack the capacity or will to investigate crimes, especially in international contexts where victims are disenfranchised or actively repressed by the dominant political regime. Corruption among law enforcement officials or adjudicators may suppress attempts at litigation by wronged parties.

Victims of human rights abuses may be reluctant to bring legal cases against more powerful perpetrators (*e.g.*, large corporations or government entities) for fear of retribution. Protecting witnesses is essential in such cases; where witness programs are lacking, witnesses may refuse to testify. Since litigating a case in court involves more publicity than other approaches, human rights advocates should take all possible measures to ensure safety of the plaintiff and his/her affiliates (family, workmates, ethnic group, *etc.*).

Much human rights litigation concerns the grievances of multiple plaintiffs. As with other types of impact litigation, the interests of multiple clients are likely to diverge at some point. This predicament leaves the group (*e.g.*, an NGO or legal aid organization representing all of the plaintiffs) contending with conflicting demands or evolving interests over time, which can introduce additional ethical and strategic challenges.

While bringing human rights cases before courts might be of tremendous importance for some survivors, the process may have a limited effect on the immediate human rights situation in a particular country. Even if successful, a lawsuit that fails to yield substantive change may appear futile to participants and observers. One human rights professional acknowledged, “It is usually only the beginning of a long process to bring about real system reform.” Indeed, such change can be achieved only by combining litigation with other methods. Another respondent noted, “A combination of monitoring, reporting, litigation and capacity building work synergistically to improve the prospects of systemic change.”

Even if a human rights case is won, victims may not receive their entitled compensation due to a lack of an efficient enforcement of the judgment or insufficient resources on behalf of the perpetrator. For example, although the European Court of Human Rights can order responsible states to pay compensation for the harm they caused, the Court does not have an enforcement mechanism against those states that do not comply with its judgments. While some perpetrators might in fact be indigent, others may have incen-

¹⁰ Human rights cases have sometimes resulted in the deportation of the defendants.

tives to hide their assets in order to avoid paying compensation to their victims. Lack of funds poses a more acute problem in human rights cases of mass victimization with few perpetrators, such as in cases before the International Criminal Court or the Extraordinary Chambers in the Courts of Cambodia.

On a related note, trial monitoring may be less appropriate in countries unwilling to embrace legal reforms or hostile to independent trial observers. Institutions supporting trial observers are advised to conduct a security risk assessment prior to trial observation and take measures to protect the safety of their observers (*e.g.*, emergency contacts, daily communication with the observer, *etc.*) (ICJ 2009).

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8 FILMMAKING AND PHOTOGRAPHY

As technology becomes cheaper and, thus, affordable to more people, the potential for using video and photography to address human rights issues is becoming greater than ever. Human rights activists and advocates can utilize these media in numerous ways in the service of human rights (*e.g.*, as advocacy tools, as evidence in courts *etc.*). Video advocacy targets a specific audience (*e.g.*, courts, legislators, human rights bodies, international institutions, and the press) in an attempt to change policy, laws, or human behavior (WITNESS 2011). WITNESS, an international NGO, promotes the use of advocacy videos to counter stereotypes, provide direct visual evidence of abuses, and elicit emotional response from viewers (Caldwell 2011).

Documentation is a critical tool for accountability in human rights. According to one survey respondent, “Documentary films can work in tandem with scholars, lawyers, policymakers, *etc.*, but it is a very different form in terms of rules of evidence, intellectual and creative processes, structures of exposition (or non-exposition), visual rather than textual presentation, relationships with subjects, *etc.*” Copwatch organizations across the United States teach volunteers how to use video technology to observe and document police brutality in an effort to promote accountability. Other organizations may use hidden cameras to document, expose and deter human rights abuses. However, researchers are advised only to use hidden cameras if they are in compliance with the law and adhering to ethical standards.

Participatory video or videovoice is a special type of filmmaking, in which community members film and later watch the video, and the process is generally considered more important than the product (Gregory *et al.* 2005:12). According to one respondent who is familiar with this methodology, some of its biggest advantages are its ability to identify problems and needs of a particular community (“insider perspective”), to encourage cooperation between community members, filmmakers, and academic researchers as well as to produce a product accessible to a broad range of audiences, regardless of their background, education and familiarity with scholarly research. According to the same respondent, this method “facilitated the engagement of community partners—many of whom may have been less comfortable with, skilled in, or enthusiastic about text or numeric data.”

8.1. Survey findings

Our survey data indicates that 5 (15%) human rights fellows and 12 (24%) human rights professionals selected filmmaking or photography. These methods were most popular among the respondents with a background in environmental studies, art, film and media studies, information studies and journalism, and anthropology. See the full list of disciplines below.

8.2. Advantages

Documentary films and photography are powerful tools for raising awareness about human rights issues because they have the ability to “engage hearts and minds of viewers” in a more intimate way than other

Discipline	Professionals	Fellows	Total
Environmental Studies	2	0	2
Art	2	0	2
Film and Media Studies	2	0	2
Information Studies, Communications and Journalism	0	2	2
Anthropology	1	1	2
Psychology	1	0	1
Women's and Gender Studies	1	0	1
History	1	0	1
Language and Literature	1	0	1
Human Rights	1	0	1
Social Documentation	0	1	1
Public Health and Medicine	0	1	1
Total	12	5	17

TABLE 2: Disciplinary background of respondents who indicated filmmaking and photography as a human rights research method.

methods. According to one respondent, “Photographs are the best way to connect an audience to affected people, by showing something they can recognize and emotionally connect to. The best way to get past the numbing effects of numbers and statistics is to introduce a face, a house, a familiar object, or a landscape. To get an audience’s attention, you first have to make a human connection.”

Documentaries can bring “academic, journalistic, legalistic, advocacy and policy work to a larger public” and engage a larger audience than reports produced through other methods. Filmmaking and photography enable researchers “to gather proof of otherwise uncorroborated stories.” By showing the resulting footage or photos, researchers enable a broader audience to bear witness to atrocities and inspire demands for accountability. In some cases, advocates might use videos and photographs as evidence in courts in order to help victims of human rights abuses to seek justice.

8.3. Limitations

Ethical concerns present limitations for any research based on film or photography. The filmmaker or photographer must always protect the rights of the persons portrayed in the films or photos. Cameras are likely to draw attention, especially in sensitive situations. Filmmakers and photographers should take measures to protect their own security in addition to the security of their human subjects. When it comes to documenting human rights violations with hidden cameras, the safety of participants is crucial. According to a human rights professional conducting this type of work, “Working with hidden cameras comes with many risks and security is the biggest challenge. It should be avoided unless working with participants fully trained and competent in security.”

Filmmakers and photographers should be trained to prioritize the safety (emotional, psychological and physical) of their subjects over “getting the shot.” As with other forms of research, filmmakers and photographers should follow protocol on protection of human subjects. Informed consent requires full disclosure on where and by whom the resulting photos or videos are likely to be viewed—whether in the capital city, around international venues, or on the Internet.

Another challenge is to ensure that a film or a photograph correctly represents reality. “A weeping woman becomes a statement that all the women are unhappy; a traumatized man becomes a statement that everyone is traumatized. The reality of the conflict zone is far more complex,” explained one survey respondent. Such situations can be avoided by providing some context for the audience as well as by acknowledging that one “is making blunt statements.” According to one human rights professional, filmmakers and photographers are not merely observers of reality; in fact, they can “shape the worlds they may purport only to expose.”

The accuracy of data may also be compromised when a filmed individual knows that his/her family could see the movie. A survey respondent shared an experience in which “although participants appeared to speak openly and honestly with the community members that interviewed them, interviewee responses were likely affected by the knowledge that family, friends and strangers might view them and their testimony on video.”

Documentary filmmaking and photography can be both expensive and time-consuming. One human rights professional observed that “photojournalism is a lousy way to pay the bills, and more importantly, it is hard to publish and distribute.” Filmmakers and photographers must create a plan for distribution to avoid “sitting on the photographs for years without knowing they will ever be seen.” Many of the above mentioned problems might be mitigated through careful planning of the project and awareness of possible challenges. One filmmaker said, “We attempted to address these concerns through partnered discussion, planning, and implementation of a video ethics and safety workshop, informed consent procedures, and participatory and inclusive editing practices.”

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9 STATISTICS

Statistics is the science of collecting, organizing, and interpreting data. Although much work in the human rights field is done with the help of qualitative methods, this quantitative research method offers a way to address human rights problems from a different perspective. For example, while a testimony given by a victim of human rights abuse provides important information about the violations committed, it does not tell anything about the scale of the abuses, whether the abuses are increasing or decreasing or who should be held accountable.

Whereas qualitative methods ask “How?”, statistical studies ask “How many?” The rules of statistics guide human rights data collection through random surveys (sampling techniques, errors *etc.*). Statistics also help quantify and visually present data as well as identify trends and relationships between variables. The choice of a particular statistical tool depends both on the type of the work performed (advocacy, scholarly research *etc.*) and its purpose. While simple graphics and descriptive presentations (summaries of data in terms of its mean, median, standard deviation and the like) are effective tools for human rights advocates communicating to amateur audiences, scholars might use more advanced statistical tools (*e.g.*, regression analysis, significance testing) in order to understand and explain different aspects of human rights as well as to present their analyses for expert audiences (Jabine and Claude 1992:286).

9.1. Survey findings

According to our survey data, statistical analysis was selected by 7 (21%) human rights fellows and by 8 (16%) human rights professionals from the following disciplines: law and legal studies (3), political science (2), psychology (2), public health and medicine (2), social justice (1), peace and conflict studies (1), women’s and gender studies (1), human rights (1), demography (1) and sociology (1). One respondent used “data visualization software” as a method to address human rights issues. Among human rights professionals, statistical methods were more popular among representatives of NGOs than members of academia: 21% of all NGO representatives selected statistics compared to 15% of academics.

9.2. Advantages

Statistical analysis helps to identify patterns and trends in data, such as whether incidents of human rights violations are increasing or which groups are the most affected. Whereas a qualitative study of a single case may provide important details about a particular incident, statistical analysis can reveal whether the case is an isolated event or part of a systematic policy. One respondent acknowledged the use of statistics to “evaluate practices across a broad set of countries and to rigorously test hypotheses.”

Graphical representation of quantitative information (tables, charts, plots *etc.*) makes numeric data easier to understand for people without mathematical or statistical knowledge. “Often the most effective

way to describe, explore, and summarize a set of numbers—even a very large set—is to look at pictures of those numbers” (Tufte 2001:9). Descriptive statistics and data visualization tools (*e.g.*, scatter plots, graphs, bars) help researchers evaluate data and look for patterns. In the words of one human rights professional, “Statistical analysis and data visualization software allow us to garner trends from individual incidents.”

More sophisticated statistical techniques, such as regression analysis, are good tools to explore relationships between variables. Various statistical analyses have already been used as evidence in legal cases before U.S. courts (*e.g.*, in the Supreme Court’s case *McCleskey v. Kemp* statistical analysis was used to show that black defendants who kill white victims have the greatest likelihood of receiving the death penalty) and in international tribunals (*e.g.*, Ball’s analysis of refugee flows and killings before the International Criminal Tribunal for the Former Yugoslavia).

Statistical studies are better at providing generalizable results than qualitative studies. Whereas qualitative studies often focus on particular cases and provide in-depth analyses, statistical studies are based on a large number of cases and provide findings that can be applied to similar cases outside one particular study. As such, statistical analyses are very popular tools for investigating policy-oriented research questions, such as whether signing international human rights treaties affects countries’ actual human rights performance. Decision makers and advocates can utilize such findings to protect human rights and prevent violations.

9.3. Limitations

Reliable statistical findings depend upon good data; a common adage among human rights statisticians is “bad statistics is worse than no statistics.” Obtaining good data in the human rights field can be problematic. While some things are relatively easy to define and measure (*e.g.*, wealth, life expectancy), defining and measuring human rights is often a challenge. “To collect and analyze quantitative information on a particular human right requires careful examination of all its ramifications, in various ethnic and cultural settings, and a lengthy process of developing and testing suitable measurement instruments and data processing procedures” (Claude and Jabine 1992:12). One human rights professional noted, “Statistical studies often have validity problems.” If researchers want to perform a valid comparison, they need to ensure that they are measuring the same thing over and over again (*i.e.*, ensure validity).

Even if one can define the unit of measurement, it might be difficult to collect data in practice: “Where data are available, they will often be extremely difficult and expensive to obtain and are likely to be fragmentary, controversial, or of dubious reliability” (Goldstein 1992:41). Some of the challenges in collecting events-based data (*e.g.*, number of deaths, torture, rape cases, *etc.*) are: security risks (working in the area of an ongoing conflict); lack of infrastructure (data source can not be accessed); and repressive governments or propagandist groups that might provide distorted data. Human rights activists working in countries with repressive governments may be subjected to arrests, physical abuse or even murder (*e.g.*, several known human rights activists in Russia were murdered or received death threats in the past few years). Incomplete or unreliable data means that “human rights events could be over-reported in some instances and under-reported in other instances, making it difficult to draw secure inferences about the general state of human rights abuse within a particular context” (Landman 2010:52).

The other type of data widely used among human rights statisticians is standards-based data, which is not based on an actual number of violations but on an expert's opinion converted into quantitative scale. For example, Freedom House rates civil liberties in the scale from 1 to 7, where 1 means a wide range of civil liberties and 7 represents few or no civil liberties. This type of data is sometimes criticized for lack of transparency in source selection as well as lack of consistency in coding procedures.

According to the rules of statistics, only a random sample can provide unbiased statistical inference. However, in the human rights field collection of a random sample is problematic and researchers often rely on so called convenience sample ("what we can find" versus "what there is"). Some statisticians worry that these non-random surveys are more likely to produce biased results. For example, a study on violence during Guatemala's civil war conducted by a group of statisticians shows how different sources (press, NGOs and victims' testimonies) provide different death estimates. The explanation is that each source captures only a part of reality, which depends on "where the observers are situated, how they collect information, and the objectives of the organization with regard to the purposes of compiled data" (Davenport and Ball 2002:446).

Proper application of statistical techniques (especially inferential statistics) requires knowledge and expertise, which might be lacking among human rights practitioners (who often have background in the law or social science but not mathematics). The alternative of hiring a statistician might be expensive. Similarly, the lack of expertise among the recipients of statistical findings (*e.g.*, judges, decision makers, *etc.*) might discourage human rights practitioners from embracing this methodological tool.

Finally, statistics necessarily requires working with numbers, which can be counter-intuitive to most human rights advocates, because the entire human rights movement is about individuals, their testimonies, experiences and emotions. This limitation was described by one of the survey respondents as a lack of nuance: "The data are often crude and describe broader patterns, but lack nuance."

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10 SURVEY

Survey is a data collection method used “to describe, compare, or explain individual or societal knowledge, feelings, values, preferences, and behavior” (Fink 2006:1). In the human rights field, surveys can be used to reveal people’s perceptions about their human rights (*e.g.*, level of sexual violence in the IDP camps in post-earthquake Haiti), implementation of justice (*e.g.*, Cambodian attitudes toward the trial of the former Khmer Rouge leaders) and other relevant issues. Surveys can also be employed to estimate mortality rates in conflict and post-conflict areas (*e.g.*, Democratic Republic of Congo, East Timor).

Unlike a census, a survey does not aim to collect information about the entire population—only about a subset. Surveys can be implemented through mail, phone, Internet or in person. The advantages and disadvantages of these techniques should be taken into account when designing a survey. For example, mail surveys cost less than personal interviews, but face-to-face interviews tend to have higher response rate and can reach particularly vulnerable groups (*e.g.* homeless or illiterate persons).

Probability surveys (random sample) are based on scientifically selected subset of a population and, thus, can provide generalizations about that population (Rea and Parker 2005:115). In this type of survey the sample is selected randomly, *i.e.* any member of the chosen population has a chance to be included in the sample. Selection of random samples can be based on simple random, systematic, stratified, or cluster sampling.¹¹

Non-probability (non-random) sampling does not require that data be collected randomly but rather on the basis of the “judgment regarding the characteristics of the target population and the needs of the survey” (Fink 1995:29). As a result, such surveys cannot be used to generalize beyond the sample itself, because the degree of sampling error associated with the sample cannot be estimated accurately (Rea and Parker 2005:172). Non-probability samples can be collected using convenience, snowball, purposive or quota sampling. Data collected by a truth and reconciliation commission is considered convenience sampling because it represents only those individuals who decided to submit their testimonies and omits all the others who for various reasons did not or could not participate (*e.g.*, did not know about the commission, could not reach it, did not want to give testimony *etc.*). Snowball sampling, based on the respondents’ references, works best in respect of well defined populations where members know each other. Purposive sampling means the researcher surveys only those individuals he/she considers important for the purpose of the study (*e.g.*, a researcher conducting a survey about human rights methods might purposively include in the study a colleague who is a forensics expert). In quota sampling, the researcher decides upon a number of potential respondents who possess certain characteristics (*e.g.*, sex, age, *etc.*) and conducts the survey until the quota is met.

¹¹ While simple random sampling (all elements of the population have the same probability of being included in the sample) and systematic random sampling (every *n*th element is included in the sample) refer to sampling techniques in which a sample is chosen from the population as a whole, in stratified random sampling, the population is first divided into groups or strata (on the basis of certain criteria) and only then a sample is taken from each of them. In cluster sampling, researchers first take a sample of clusters (*e.g.*, counties, villages, *etc.*) and from those select a sample of individual units or elements. The cluster sampling method is useful when the list of all of the units in the population is not available.

10.1. Survey findings

Our online survey shows that one fellow (background in demography) and 6 human rights professionals (one each from the disciplines of law, anthropology, sociology, language/literature, psychology and social justice) used survey as a method to address human rights issues. Among human rights professionals who used survey methods in their work, 5 (83%) were from academia and 1 was from an NGO.

10.2. Advantages

Survey is an important data collection tool. In the view of one human rights professional, surveys allow the researcher to understand individual experiences, identify patterns and/or quantify experiences of many.

While probability surveys are valuable because of their ability to provide generalizable findings, non-probability surveys can be used in the preliminary stages of a research project to explore and better understand certain problems. For example, the Center for Human Rights and Global Justice (CHRGJ) at NYU School of Law used a non-probability survey to understand levels of sexual violence in the IDP camps in post-earthquake Haiti. The authors of this study acknowledged the limitations of such method, yet, concluded that their findings “are likely indicative of patterns and trends,” and “may suggest the scope of the human rights problem and its contours in a way that traditional human rights case collection methods cannot” (CHRGJ 2011:1).

Non-probability sampling is best utilized when a researcher is interested in exploring an issue rather than generalizing conclusions. In addition, non-probability surveys require less knowledge of random sampling techniques and, thus, are less complicated, costly and time consuming than probability surveys (Rea and Parker 2005:172).

10.3. Limitations

Random sample surveys reach only some people who suffered human rights abuses, which means that the others “are denied the opportunity to tell their stories” (Landman and Carvalho 2010:106). In addition, one human rights professional noticed that surveys are unable to provide the same level of intimate engagement as, for example, interviews and, therefore, can only elicit certain information. Still, the same respondent recognized that “both dimensions are needed.”

Surveys should be designed in a way to ensure that respondents are not forced to relive traumatizing experiences: “Such precautions include the use of questionnaire design methods for eliciting sensitive information, proper training of interview personnel, and potentially the use of counselors in the field” (Asher 2008:28). The safety of respondents and needs for confidentiality should also taken into account when designing a survey: “Special care must be taken to ensure that benefits of the survey to the target population are not outweighed by the potential harm of the survey to that population” (Asher 2008:28). According to one human rights professional, “If the informant’s safety is at risk, then the risk is too great.”

Proper implementation of probability surveys, which can provide generalizable data, requires sufficient time, resources, and knowledge of sampling techniques. In the human rights field, access to selected respondents might be restricted by the lack of infrastructure or security issues such as an ongoing conflict.

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11 FOCUS GROUP

A focus group is a qualitative data collection method relying on group interviews to elicit perspectives and views revealed through social interaction. Participants should be screened for similar characteristics relating to the underlying research question. The researcher may use a questionnaire to select focus group participants. Groups may range in size from as small as four persons up to a dozen.

Focus groups should begin with the researcher stating the purpose and facilitating introductions among participants, if necessary. In some cases, researchers may prefer to select participants who already know one another. Interactions between members of the group can help participants to overcome taboos and clarify their beliefs (Kitzinger 1994).

The researcher should develop an interview guide to lead the focus group with questions ranging from general to more specific. Open-ended questions can lead to more productive interaction between group members. Focus groups may be highly structured, soliciting responses in round-robin fashion, or open for unstructured brainstorming. Multiple sessions are recommended to increase comfort levels among participants.

This method is often used for market research to elicit opinions and experiences. Focus groups are a particularly good component of mixed method research designs, offering a means for triangulation. They are also well suited to testing hypotheses and interpreting preliminary research findings.

Results can be coded for emphasis on particular themes or concerns raised by participants as well as areas of agreement or disagreement. Focus groups yield important data both in terms of what is said and what remains unsaid. Researchers should be alert to recording quotations as well as noting silences or moments of discomfort. Body language and facial expressions may also be revealing. Researchers conducting focus groups on the Internet may miss these behavioral cues.

Given that participants will be sharing personal views in front of others, the focus group moderator must strictly adhere to human subjects protocols and create a safe environment. An ideal moderator will have a background in conflict management, the capacity to sustain group focus on the research topic, and the ability to avoid becoming personally involved with the participants (Owen 2001). When sensitive topics are discussed with vulnerable subjects in focus groups, researchers are advised to offer mechanisms for personal follow up, as needed.

11.1. Survey findings

Focus groups were selected by 6 (18%) human rights fellows and by 5 (10%) human rights professionals. The respondents who chose this method had disciplinary background in anthropology (2), sociology (2), history (1), women's studies (1), language and literature (1), science and technology (1), environmental studies (1), public health and medicine (1) and geography (1). One respondent cited focus groups as complementary to methods such as life history and topical interviewing videography.

11.2. Advantages

Focus groups are helpful in cases where interviewees may be unable to sustain one-on-one conversation or uncomfortable alone with the researcher. One human rights fellow stated, “Focus groups allowed me access to greater number of villagers, but again in a safe space closed off from government.”

Another human rights fellow who used ethnography as a primary research method explained that focus groups are an ideal “tool to find and confirm shared understanding, interpretation, [or] meaning” in relation to a “particular event, cause, or idea.” Focus groups can be a cost-effective and efficient means of confirming the validity of data collected through other methods or gauging broader opinions within a population.

11.3. Limitations

Focus groups should not be used to discuss politically or otherwise sensitive topics where participants need protections; as a rule, topics should be “warm not hot” (Kitzinger 1994; Grudens-Schuck 2004). If participants do not want to be seen holding a particular belief or opinion, they are unlikely to share in the context of focus group discussions.

Researchers should also be aware that focus group participants are likely to influence each other’s answers, potentially returning different results than would be captured in confidential interviews of each participant alone.

As with interviews, researchers will need to develop trust with focus group participants to access some of their beliefs and opinions. Participants will also need to feel comfortable with each other, which is likely to require multiple sessions. Thus, focus groups are not recommended for time-constrained research. As with interviews, transcription and use of interpreters may pose challenges in focus group discussions. These complexities should be considered in the focus group research design phase.

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12 FORENSICS

Forensic science is an important tool, most frequently applied in the human rights context for investigating extra-legal, arbitrary and summary executions. The Minnesota Protocol is a detailed method for legal investigation of “deaths from political assassinations, torture or ill-treatment in prison or detention, death resulting from enforced disappearances, deaths resulting from excessive use of force by law enforcement personnel, executions without due process, and acts of genocide” (UN 1991). The United Nations developed the protocol in 1989 as a uniform standard covering processing of crime scenes and evidence, identifying avenues to investigation, collecting personal testimony, and creating a commission of inquiry to document abuses and bring those responsible to justice. Experts have since added supplementary model protocols for autopsy, disinterment and analysis of skeletal remains to the Minnesota Protocol.

Forensic inquiries not only help collect evidence for tribunals, Stover and Shigekane (2002) also demonstrate how they create a space for mourners to honor the deceased and an opportunity to end impunity by providing critical information (*e.g.*, medical records, X-rays, identification) about the victims. If poorly managed, exhumations of mass gravesites can create greater pain for mourners and thwart forensic investigation by gouging or commingling bones (Stover *et al.* 2003). Therefore, “forensic scientists must recognize that they have an obligation to the legal institutions that retain their services and to the families of the missing” (Stover and Shigekane 2002:864). This may require that scientists explain to mourners how DNA results may not be available for months or years—or how the forensic mandate may be limited to verifying the ethnicity, religion or race of all victims in a mass grave rather than identifying individual victims and their loved ones remains’ may never be identified or recovered (Stover and Shigekane 2002; Stover *et al.* 2003).

In our survey, 2 human rights professionals selected forensics as a method to address human rights issues. Several human rights organizations use forensic methods to advance their missions. The Argentine Forensic Anthropology Team (EAAF) used forensic techniques, including DNA analysis of exhumed remains, to gather evidence needed to prosecute former Argentine dictator Jorge Rafael Videla on charges of kidnapping, torture and murder. Pro-Búsqueda uses DNA analysis to reunite children from adoptive families outside of El Salvador with the biological relatives from whom they became separated during the civil war years. A program run by Physicians for Human Rights employs forensic science to examine the effects of environmental toxins on select populations—a powerful tool for making environmental justice claims. Improvements in satellite image resolution have created opportunities for forensic research through collection of remote sensing data. Evidence of human rights violations, such as mass graves, can be detected by satellite imagery. The Satellite Sentinel Project analyzes satellite images to monitor conflict between North and South Sudan and promote awareness of human rights violations within the remote border region (<http://www.satsentinel.org>).

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13 DISCOURSE ANALYSIS

Discourse analysis is a qualitative research method drawing on postmodern, postcolonial and critical race theories to examine a problem within a socially constructed reality. One of many ways to define discourse analysis is “a range of techniques to analyze talk and text in context” (Howarth, 2005:336). Discourse analysis allows researchers to “identify the formal structure of the message, while at the same time, keeping a use-of-the-language purpose in mind” (McNabb 2004:473).

A group of researchers analyzing the discourse of a public witness hearing before South Africa’s Truth and Reconciliation Commission (TRC) demonstrated how preexisting inequalities among victims’ communicative skills combined with the methods of the TRC influence the impact of their stories and, in turn, create “historical record.” According to the authors of the analysis, “One important task in making the most of the TRC proceedings thus consist in uncovering the various ‘unheard’ aspects of what witnesses told during their hearings” (Blommaert *et al.* 2007:34).

According to the findings of our survey, one respondent selected discourse analysis as a method used to address human rights issues. This respondent, who has a disciplinary background in peace and conflict studies, described his/her use of discourse analysis in the following way: “I focus on how people talk and write about, and frame a specific case or situation, to ascertain their perceptions and expectations (for example, about the use of torture in the US, or the potential for restorative justice approaches to replace punitive approaches).” According to the same respondent: “Changes in norms regarding human rights require deeper transformations of how issues are framed or how different groups in society are perceived, and these in turn often require alternative representations. So there are many levels and layers to explore when analyzing how changes in norms might occur.”

Discourse analysis enables researchers to reveal and interpret deeper meanings by deconstructing social norms. It offers the opportunity to reflect on epistemological assumptions in a way that other methods do not. However, research designs based on discourse analysis are limited by their inherent recognition of subjectivity; they cannot yield positivist answers. Discourse analysis is a complex method, requiring deeper understanding of the social conditions surrounding the issues and a strong grasp of postmodern sociological theory. Researchers may also find it difficult to impose boundaries on studies of human rights problems when using discourse analysis. A human rights professional related, “My biggest challenge is knowing where to stop. Human rights issues are ongoing, and there are always new insights to bring to each case. It’s important to take a situation as is and write about it, while acknowledging that conditions are always in flux.”

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14 GAME THEORY

Game theory can be defined as a study of interdependent decision-making, where the choice made by one player in the game depends on the choice made by the second player, whose choice, in turn, depends on the choice made by the first (UNICEF, 2007:14). One of the most popular games in social theory is the Prisoner's Dilemma, which demonstrates the foundational notion that achieving mutual cooperation is an evolutionary survival strategy (Axelrod and Hamilton 1981). Theorists use the game to show how cooperation leads to broader political and economic interests, further contending that institutions and social norms serve to mediate conflict and achieve mutual cooperation (Hardin 2008). Human rights reflect one set of these norms, wherein conventions outline the expectations for cooperation among signatory nations.

Although game theory is more often seen as an approach or a theory that explains certain behavior, one of the respondents indicated game theory as a method to address human rights issues. According to the respondent, game theory can be used to “explain certain practices, such as foot-binding and female genital cutting, and prescribe sensitive and effective remedies.” The respondent refers to a UNICEF study in which a group of researchers used game theory to explain female genital mutilation/cutting (FGM/C): “Families carry out FGM/C to ensure the marriageability and status of their daughters within the intramarrying group. For marriage and for status, what one family chooses to do depends on what other families in that community choose to do” (UNICEF 2007:13). Thus, the best way to stop FGM/C is to ensure that the practice is abandoned by the community as a whole: “If an initial core of families within a larger intramarrying group decides to abandon FGM/C, it is immediately in the interest of this initial group to recruit other families in the community to abandon cutting” (UNICEF, 2007: 13).

Game theory is a complex method, requiring careful construction. In the words of the respondent: “It is not intrinsically difficult. However, understanding it requires patient learning.”

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15 EXPERIMENTAL RESEARCH

Experimental research methods aim to establish a causal relationship between an independent and a dependent variable. For example, researchers may select two similar groups, providing certain treatment (independent variable) to one of them and observing whether the outcome of the experiment is different. Thus, the three most important elements of experimental research are: intervention, random allocation between groups and measurement of outcomes. Random allocation between groups is important because it “maximizes the probability that they will not differ in any systematic way” (Punch 2005:69).

In our survey, one human rights fellow (with a background in psychology) and four human rights professionals selected experimental research. The biggest advantage of experimental research is the ability to establish causal relationships between variables, which might not be possible with other research methods. According to one scholar, “Field experimentation is one of the strongest methods for inferring causal relationships in real-world settings” (Paluck 2010:60).

Practical implementation of a true experiment is difficult, because the researcher needs to control for all the factors that could affect the outcome and for various reasons she or he might not be able to do that. In addition, the implementation cost might be high depending whether the researchers are using a laboratory or not. Experimental research should not be used if it could threaten integrity and safety of the participants. Some scholars raise doubts about the generalizability of the experimental results because of a common use of convenience samples and because the behavior of the participants while they are taking part in the experiment might differ from their normal one (Kinder and Palfrey 1996:27).

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16 MIXED METHODS RESEARCH

A mixed methods approach allows researchers to use both quantitative and qualitative methods to collect and analyze data in a single study or series of studies (Creswell 2007:5). As researchers attempt to tackle more complex problems, mixed methods research design offers the option to select from a suite of sophisticated tools. Researchers began mixing methods in the 1950s, but the popularity of studies relying on complementary data sets increased significantly in the past decade.

Our survey shows that human rights professionals also embrace this methodological tool. First of all, we observed that several respondents in their answers used such expressions as “mixed methods analysis”, “variety of methods”, “combination of methods”, “range of methods”, or “multiple data collection methods.” Besides, some respondents emphasized the importance of combining different research methods. According to one, “I have checked several categories, which indicates my interest in interdisciplinarity and multiple methodologies.” In the view of another human rights professional, “Mixed methods have become a norm in the political science field.” Moreover, 83 individuals who participated in our survey selected a total of 331 methods, averaging 3.9 methods per respondent. Among the human rights professionals the majority (70%) said that they used 4 or more methods to address human rights issues and only 6 respondents said they used a single method. One of the respondents selected as many as 14 different methods. Finally, although the most popular methods were qualitative (68% of human rights professionals selected only qualitative methods), 15 (30%)¹² human rights professionals said they used both qualitative and quantitative methods.¹³ These findings indicate that human rights problems require an interdisciplinary approach and should be investigated in many different ways.

16.1. Advantages

Scholars argue that a mixed methods approach offers researchers an opportunity to analyze problems that “parallels everyday human problem solving in a way that neither qualitative nor quantitative methods alone can do” (Tashakkori and Teddlie 2010:273). Mixed methods help to study a selected problem from different angles, *i.e.* while numbers provide information about trends and patterns in time and space, words reveal meanings and processes. In addition, one human rights professional noted that mixed methods could be especially useful in approaching an under-studied policy phenomenon. The application of different research methods also encourages cooperation between representatives of various disciplinary fields, which results in “invaluable human rights solutions.” According to one human rights professional, “There is a great need to encourage an inter-disciplinary collaboration in the area of human rights.”

Since different methods have their strengths and weaknesses, combining them can improve a study’s rigor. “Researchers believe that mixed methods strategies can result in enhanced understanding of phenom-

¹² One respondent did not select any methods.

¹³ We counted survey, statistical analysis and experimental research as quantitative methods.

ena and better, more rigorous methodology” (Creswell 2007:175). Several survey respondents noticed that qualitative methods are limited because they usually provide non-generalizable findings, are not directly quantifiable and do not address “macro-level dimensions of the problems studied.” On the other hand, such methods are superior at getting the “insider’s perspective” and understanding the meanings people attach to things and events (Punch 2005:238). Quantitative methods can provide generalizable results as well as information about correlations, patterns and trends. Yet, they tend to “strip data from their context.” Thus, a combination of both approaches can often increase scope, depth, and power of research (Punch 2005:238). One survey respondent explained, “Each approach has limitations and combining different techniques allows the researcher to build a more convincing argument.”

16.2. Limitations

Although mixed method research design has many advantages, its practical implementation is not always simple. Applying several methods is time-consuming and the researcher must be familiar with different methods. One human rights professional noticed that even learning how to apply one type of methodology correctly could be challenging, “Proper application of qualitative methods requires mentorship and reference to guidebooks in the field.” The challenge is two-fold when it comes to a mixed methods research. A human rights fellow explained, “Figuring out how to articulate and justify this kind of methodology is challenging, and finding mentors to guide one through the process can be difficult.”

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17 CONCLUSION

As the findings of this study demonstrate human rights problems are diverse in nature and yield best to multi-disciplinary solutions. Several of our survey respondents who represent more than fifteen disciplinary fields and embraced more than twenty different types of research methods emphasized the importance of multi-disciplinary approach in their human rights research.

Although the majority of human rights professionals in our study showed preference for qualitative research methods (case study, document review etc.), close to one third endorsed a mixed methods approach. Quantitative methods, though less popular among the respondents in this survey, offer valuable solutions to problems that cannot be addressed by qualitative methods alone.

Good scientific research is impossible without proper methods and human rights research should not be an exception. As this guidebook shows, there are many ways to investigate human rights issues. Choosing the correct method may present as great a challenge as the implementation of the research project itself. The selection of a particular research method depends on the research problem, experience and expertise of the researcher, and time and money available to spend on the project. Researchers should acknowledge the strengths of a particular method as well as its limitations and seek the most effective approach to understand the human rights violations at hand.

18 AUTHORS AND ACKNOWLEDGMENTS

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