

The development of an on-line database on the domestic impact of the United Nations human rights treaty system

Draft: The role of clinical groups providing research assistance towards the establishment of the database

[3 October 2019]

[This document is meant to serve as a basis for the agreement between supervisors and students who form part of clinical groups, and should be adjusted for local purposes, though it is important that the essence will remain the same to ensure that the work done by the different clinical groups are compatible.]

Background

The principal researchers (identified below) are currently completing a study, in collaboration with the United Nations Office of the High Commissioner for Human Rights in Geneva, into the impact of the UN human rights treaties at the domestic level in 20 countries worldwide. This is the most comprehensive attempt to date to establish to what extent the Geneva based treaty system makes a difference where it matters most - on the ground. What evidence is there that the treaty system (the treaties and the work of the treaty bodies) actually influence the laws, court cases, policies and practices in the countries concerned?¹

Country correspondents based in each of the 20 countries covered were given templates, and were required to prepare a report on the country in question and to gather the relevant supporting documentation in the format established in the template. The results of this study will be published in book form early in 2020. This follows on the heels of a similar study published 20 years ago.

A new phase of this study will be undertaken as from the start of 2020, aimed at measuring the impact of the treaty system potentially in all the countries in the world. This will be a never-ending study, with no fixed end-point or publication date. Instead, the results of the research, as it becomes available, will be put on an on-line database. The vision is that of a website where the same kind of information that was gathered for the first 20 countries will become available for all the countries in the world, and all of this will be kept updated. It is envisaged that this database will be a central reference point for people around the world wishing to obtain information on the impact of the treaty system.²

The one-line database thus created will be expanded and kept up to date relying on inputs from country correspondents, civil society actors, and crowd sourcing (and will to some extent be a variation of the Wikipedia concept). An algorithm will also be developed to make the publicly available information on the topic manageable and accessible.

¹ On this study, see <http://www.icla.up.ac.za/impact-of-the-un-human-rights-treaties-on-domestic-level>

² For a full description of the envisaged on-line database, see <http://www.icla.up.ac.za/establishing-an-on-line-database>

Moreover, a number of universities and other research institutions have been approached by the principal researchers with the request to convene clinical or other student research groups, or interns, who can also assist with collecting material. The expectation is that these student groups will be supervised by people appointed by the relevant research institutions, and these supervisors will in turn be in touch with the principal researchers. Where possible, interaction between the students and the principal supervisors will be arranged, in person or through video conferencing. Where specifically arranged, the principal researchers will serve as supervisors.

Principal researchers

The three principal researchers are *Christof Heyns* and *Frans Viljoen*, Centre for Human Rights and the Institute for International and Comparative Law in Africa, University of Pretoria and *Rachel Murray*, Human Rights Implementation Centre, University of Bristol Law School. They are assisted by Dr Willem Gravett, University of Pretoria.

Description of work to be done by the students

Students who do impact research will be required to identify countries not yet covered in the course of the study (for the list of countries already covered consult the website), and locate evidence on the influence of the treaty system in that country.

In looking for the evidence of such impact, the students are to be guided by the template and the background document prepared by the principal researchers for the country correspondents, setting out the information they should search for.³

However, students are not expected to do the same amount of work that was expected from the 20 country correspondents as set out in the template who wrote ‘full’ country reports. Based on how much time they have available, students may elect to do a ‘lighter’ version of the work of the country rapporteurs, or a ‘heavier’ version.

The *lighter version* entails that students will primarily focus on collecting the relevant documentation on the country level illustrating impact, and submitting this in electronic form to the principal researchers.

Ideally, the original documents, in an official language of the country concerned, must be obtained. Where this documentation is in a language other than English, a translation into English, if available, must be provided, also indicating the status of the translation (e.g. is it official or not). Students are, however, not expected to do translations themselves. However, a summary of the gist of the documents must be provided by the student, organised in terms of the structure provided in the template.

Students who have more time, may wish to assume a *heavier burden*. This will entail that, as described above, they will collect the relevant documentation on the country level. However, in addition they will also access the UN documentation and, instead of merely providing a

³ <http://www.icla.up.ac.za/resources>

summary of the gist of the documents, they will also deal with the available evidence in essay form, in the same way that is done by the country correspondents.

Students who choose this option will thus in all respects play the role of a country correspondent, and be expected to write a full country report, with one exception: They are not expected to do interviews e.g. with the relevant officials or NGOs. Conducting interviews require being on the ground and in most cases getting ethical clearance and as a result this is not expected of students. (In exceptional cases where students are in a position to conduct such interviews, or wish to do so after completion of their studies, they are encouraged to contact the principal investigators in this regard.)

In essence, students under both options are required to make a start with writing a full country report – their work will be taken further afterwards by others.

Requirements for participation

Student researchers should have at least a foundational understanding of the UN human rights system. They must possess the relevant language skills and have personal experience with the country they are researching. It is ideal for students to work on their countries of origin, or on countries where they have otherwise spent time working and living. Having contacts in the country in question who can assist with finding sources while the research is done, will be helpful.

Recognition and intellectual property

The names of everyone who had worked on a particular country report over the years will be recognized on the website, unless they ask not to be recognized. At the same time, the nature of the project – with each researcher passing on the baton to the next, and the earlier version of a country report being amended and supplemented by a later one – dictates that students or their home institutions will not retain copyright in their research.

Duration of the research

The research will start on ... and commence by ...

Students are expected to dedicate at least ... hours per week to the project and submit their research outcomes to ... by