



Model for reports

on the situation of **human rights**
defenders



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Model for national reports on the situation of human rights defenders



1. OBJETIVE

This model of national reports on the situation of human rights defenders (HRDs) has the following general objective:

To develop a comprehensive reporting model and reference guide to serve as a tool for the National Human Rights Institutions of the American Continent, in the elaboration of detailed and effective reports on the situation and protection of human rights defenders, thus promoting standardization, quality and effectiveness in the documentation and promotion of the rights of these persons.

2. GENERAL CONSIDERATIONS

A report on the situation of human rights defenders is a fundamental tool for the defense of their human rights. They aim to make citizens, public opinion, civil society and all entities, both public and private, national or international, aware of various aspects related to the situation of HRDs, highlighting relevant situations related to the violation of human rights, which have been detected through the knowledge and expertise of individuals or institutions working on the issue.

With this approach, some key reasons why a reporting model is important in this context are established:

Standardization: A reporting model provides a standardized structure that ensures that consistent and relevant information is collected on human rights defenders. This facilitates comparison of data over time and across different regions.

Data organization: Helps organize the information collected in a systematic way, which facilitates the identification of common trends, patterns and threats faced by HRDs.

Facilitates the presentation of evidence: Situation reports are often used as evidence in legal proceedings and as advocacy tools. A reporting template ensures that the information gathered is presented in a robust and consistent manner.

Awareness and visibility: By documenting and communicating the situation of human rights defenders through reports, public awareness is raised and visibility is provided. This can generate support and solidarity both nationally and internationally.

Decision support: Model-based reports provide a sound basis for informed decision-making by governments, human rights organizations and the international community. They can support the implementation of protection measures and policy formulation.

Historical record: The reports constitute a historical record of human rights violations and defenders' struggles. This is essential to preserve historical memory and ensure that lessons are learned.

This reporting template provides a general structure that can be adapted according to the specific needs of each National Human Rights Institution and according to the information available.

3. ELEMENTS FOR THE ELABORATION

National Human Rights Institutions (NHRIs), interested in preparing reports for the defense of human rights defenders, should consider some elements in order to achieve a better content and form of the report, which are proposed below:

- 1) Ensure the participation in the report of the persons and units that are aware of the situation that gives rise to the violation of the rights of human rights defenders, and much better if they maintain contact with the population directly or indirectly involved.
- 2) Establish channels of consultation with non-governmental organizations, especially human rights organizations, to encourage their participation and consider their opinions on the situation. Coordination and consultation with civil society organizations seeks to ensure that their opinions and recommendations are adequately integrated into the report. In any case, NHRIs should maintain the objectivity and independence that governs them, so that no position is subordinated to any other, but is able to objectively reflect the positions and arguments provided.
- 3) Provide relevant and high quality information. This implies having the ability to summarize information, ideally in paragraphs containing a complete idea; choosing emblematic situations; and connecting the realities encountered with the need for change.
- 4) Pay special attention when there is an absence or insufficiency of information related to the possibility of assessing human rights standards, as this is an indicator that NHRIs should report on and pay attention to in the future.

5) In periodic reports, it is important to directly address suggestions and recommendations made in previous conclusions or concluding observations.

Reports on the situation of human rights defenders prepared by NHRIs should not be an occasion to showcase their activities and achievements on the subject, but rather a space for information to raise awareness, regardless of the activities of state institutions or bodies.

The structure of these documents may vary according to the circumstances of each country, as long as the information is relevant. However, they are expected to be analytical documents with a human rights approach, which also address the gender, intercultural and differentiated approach, must meet the international standards established in this area. (FIO, 2018)

Regarding the form of the document, NHRIs usually have manuals for the presentation of reports; however, it is recommended that the reports be concise and structured with numbered paragraphs, and specify the most important issues regarding the situation of human rights defenders in each country. The paragraph system consists of concentrating central ideas in a single paragraph and avoids placing information that is superficial. (FIO, 2018).

It is also suggested that reports include a detailed description of the abbreviations used in the document, especially when references are made to national institutions, organizations, legislation or other terms that are not easily understood by international bodies (United Nations, 2009)

4. REPORT TEMPLATE

The following is a model report with its respective chapters, importance and focus:

I. COVER

The cover page is important to provide a good image in the presentation of the report. In addition, it can help the reader to find and identify the information they want to access. Although the cover itself is not a substitute for the quality of the content, its good design is an element to consider in order to attract attention and make a good impression on readers.

In relation to the defense of human rights defenders, the following content is suggested:

- Title, which will refer to the fact that it is a report on human rights defenders, specifying the country, and it could also be a specific topic depending on what is to be reported. For example: "Report on the situation of human rights defenders in Bolivia", or "Report on the criminalization of human rights defenders in Bolivia".
- Date of issue.

- Illustration related to the topic.
- Logo of the National Human Rights Institution; and, if there is a contribution from other entities, their identification through their own logo.

II. INDEX

The table of contents is essential to facilitate the accessibility, organization and usefulness of the document. It helps readers to find information efficiently and to understand the structure and content of the report. For the purposes of this template, it will contain a list of sections with their respective pages.

III. SUMMARY

The synthesis, in the form of an executive summary, condenses the document in general, with the particularity that it should be concise, pointing out the important points of the report. Its length should be short, and should not exceed 250 words. At the end of the summary, key terms or words from the report can also be added.

In relation to the situation of human rights defenders, it will allow the reader to quickly understand the essence of the report, to know in advance the information he/she will be able to access, and to weigh the usefulness of the report according to his/her interests. By way of example, we cite the following summary:

The general objective of this chapter is to analyze and make visible the situation of human rights and environmental defenders in Chile -between October 2019 and August 2020- in light of the standards established in international human rights law. In particular, it will identify the threats and obstacles that defenders face on a daily basis, which have a negative impact on the consolidation of Chilean democracy. Through cases that occurred before and during the social outburst, we will show the functioning of institutional channels and legal mechanisms that have proved insufficient to reduce the existing gaps in relation to compliance with international standards. This reflects the urgency of adopting measures aimed at recognizing, strengthening and protecting the existence and social work of human rights and environmental defenders.

KEY WORDS: human rights defenders, threats and violations, international human rights standards (Centro de Derechos Humanos UDP, 2020).

IV. INTRODUCTION

The introduction is an essential section that serves several important purposes in the context of a report on the situation of human rights defenders. Below are some points that highlight the importance of the introduction in a HRDP report:

Contextualization of the Report: The introduction sets the general context of the report, providing readers with an overview of what they will find. It describes in a general way the relevance of the situation of human rights defenders in the national context and the

situation they face.

Objectives of the Report: The introduction clearly states the objectives and purposes of the report. Readers can immediately understand what the report hopes to achieve, which helps to frame its content and orient the reading.

Rationale for the Report: This section justifies why the report has been undertaken. It can include arguments about the importance of addressing the situation of human rights defenders, and the specific needs that the report is intended to address.

Scope: The introduction can provide information on the scope of the report, i.e., the issues and aspects to be addressed. It should clearly and convincingly present why the topic is important and why the report deserves attention.

Report Structure: The introduction can also provide an overview of the structure of the report, i.e., how the different chapters are organized and what topics will be covered in each chapter. This helps readers navigate more efficiently through the report.

V. METHODOLOGY

The methodology describes how the information was collected and analyzed, which helps readers understand the logic behind the report and how the research has been approached. It is essential in a national report on the situation of human rights defenders because, in addition to providing details on how the research was carried out, it fulfills other important functions as indicated below.

A correct methodology, that is, one that explains in detail the sources of the information and how it was analyzed, makes the information presented more reliable, as it increases the credibility of the report. Describing the methodology used for data collection ensures that readers understand the thoroughness and accuracy of the research process. This is particularly important in human rights reporting, where accuracy is critical.

In addition, the methodology can provide information about the context in which the research was conducted. This helps readers understand the constraints and challenges faced by the researchers, which is essential to properly interpret the results.

It is also important to specifically note in the methodology that the research is conducted with due regard for the protection of the privacy and security of human rights defenders. Por último, una metodología sólida permite que otros investigadores o instituciones repliquen el estudio o la investigación de manera similar.

Finally, a sound methodology allows other researchers or institutions to replicate the study or research in a similar manner.

The Ibero-American Federation of Ombudsmen makes some points that should be noted in this section:

Obtaining the necessary information and data varies according to the purpose of the report. It is essential to use various sources for this purpose. In this context, it is essential (...) to verify the use of statistical data and to evaluate the institutional and regulatory framework established to ensure the protection of human rights defenders, which is addressed in the report. (FIO, 2018).

VI. NATIONAL FRAMEWORK¹

This chapter establishes the basis for understanding the situation of human rights defenders in the country and provides a frame of reference for the evaluation and effectiveness of protection measures. Due to its content, it can be complex to combine all the elements at stake, so it is recommended to maintain a logical structure related to the different sources that provide valid standards on the respect, protection and guarantee of the rights of HRDs. Special consideration should be given to:

1. International instruments related to the subject matter²

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the Declaration on Human Rights Defenders, should be seen as a starting point. Although, as a declaration, it does not have binding effect like other international instruments ratified by the State, it does contain universally accepted ethical standards, so that States cannot ignore its content.

The importance of bringing the Declaration on Human Rights Defenders to the table lies in highlighting, in the first place, the content of Article 1, which establishes the right of everyone, individually or collectively, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. From this, the report should provide a concise analysis of the nature of human rights defenders and their role in democracy.

Secondly, it is important to highlight the content of Articles 2 and 3 of the Declaration, which establish the general obligations of States and which will be the basis for subsequent positions in the report. These articles state:

Article 2

1. States have the primary responsibility and duty to protect, promote and realize all human rights and fundamental freedoms, inter alia, by taking the necessary measures to create the social, economic, political and other conditions and legal guarantees necessary for the practical enjoyment of all these rights and freedoms by everyone within their jurisdiction, individually and in association with others

2. States shall adopt such legislative, administrative and other measures as may be necessary to ensure that the rights and freedoms referred to in this Declaration are effectively guaranteed.

¹ Compilation of Guidelines Regarding the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties, HRI/GEN/2/Rev.6, 2009, p. 9.

² *Ibidem*, pag. 5.

Article 3

Domestic law, in so far as it is consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms, is the legal framework within which human rights and fundamental freedoms are to be realized and exercised and within which all the activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms are to be carried out.

Subsequently, the Declaration on Human Rights Defenders specifically points out several rights that should be incorporated into the report according to the topic in question, and which will be relevant in the section on the violation of the rights of HRDs.

Along the same lines, the report will make reference to other international instruments, especially those in force in the country, in order to highlight, within the general context, the rights of individuals and the obligations of the State.

For this purpose, it is essential to consider the following:

Reports should explain the de jure and de facto status of implementation of the provisions of the treaties to which the State is a party. Reports should not merely present lists or descriptions of the legal instruments adopted in the country in recent years, but should indicate how these legal instruments are reflected in the economic, political, social and cultural realities and general conditions existing in the country. (United Nations, 2009)

2. Internal regulations³

It is necessary to refer first of all to the constitutional norms related to the subject matter in question. This will make it possible to establish standards of structure, which will show how they relate or not to the content of the international instruments (United Nations, 2006).

Subsequently, a description will be made of other norms that make up the domestic legal system, such as laws, regulations, or others that may need to be mentioned, which are related to the subject matter in question.

The normative information may be enriched with jurisprudence that has been issued in the country according to the rights or subject matter in question. Care should be taken to ensure that these references do not unnecessarily extend into legal analyses that could confuse the message. On the contrary, they should be brief but sufficient, that is to say, they should show in the right measure the normative situation being addressed.

3. Public policies and programmes

This space will highlight public policies and programmes related to the protection of human

³ Compilation of guidelines Regarding the Form and Content of reports to be submitted by States Parties to international Human Rights, HRI/GEN/2/Rev.6, 2009, p. 5

rights defenders. This space should be used not only to list them, but also to briefly show the situations and motives that have led to the establishment of these policies and programs and the expected benefits. For example, an awareness-raising and/or training program for justice officials is not enough just to state it; it must have a minimum justification, which could be the criminalization of HRDs. This will allow the reader to have contextual information on the situation of HRDs.

In this space it can also be indicated whether or not there are existing routes and protocols for the attention and protection of human rights defenders, and the knowledge that the NHRI has about the effectiveness or not of such tools can be added.

The report should include an analysis of the public policies implemented and whether there was civil society participation in their design, implementation and evaluation. As well as, evaluation of whether public policies are inclusive and respond to the criteria of non-discrimination and equality. (FIO, 2018).

4. **Context and statistical data**

Context data is descriptive and narrative information that provides a broader understanding of the situation in which human rights defenders operate. This includes political, social, cultural, economic and legal factors that influence their work and the threats they face.

Consequently, in this part, an accurate and adequate narrative can combine the above elements on regulation and public policies with the reality of the situation of human right defenders in general in the country, or in certain territories or circumstances, for example, a permanently confrontational relationship with extractive companies.

It is useful to the report in that it provides a deeper understanding of the conditions in which human rights defenders operate; helps identify the roots and causes of the threats and human rights violations they face; and contextualizes the specific incidents and challenges described in the report.

Contextual data can be enriched by statistical data, which are quantitative figures that can include statistics on incidents of violence, arrest, forced displacements, killings and other indicators related to the situation of human rights defenders. If possible, statistical data should be disaggregated with human rights approach, either by gender, age, ethnicity, human, mobility, disability, among others, as well as by territory.

Statistical data are useful because they make it possible to assess the magnitude of the violations faced by human rights defenders, identify patterns of violence, and facilitate the comparison of data between different regions or periods.

Both contextual data and statistical data are important form informed decision making, promoting protective measures and raising awareness of the importance of upholding human rights.

Gender focus:

For both contextual and statistical data, NHRIs must make a gender approach:

Gender statistics reflect in a timely manner the realities and inequalities in the situation of men and women in their diversity in all spheres of life. They play an important role in the elimination of stereotypes, in the formulation of public policies and in their monitoring for the achievement of gender equality. (UN, Department of Economic and Social Affairs, 2015)

Gender statistics have a fundamental role in reflecting the different areas of life in relation to women and men, addressing their needs, opportunities and contributions in society.

This involves the evaluation and implementation of gender equality laws, public policies and programs to overcome cultural stereotypes that hinder the equal enjoyment of human rights.

The identification of distinctions, exclusions or restrictions based on sex and gender for women human rights defenders should also be detailed in reports. Attention should be paid to the interaction between laws, policies and programs to assess their impact on gender equality.

NHRIs, considering intersectionality, can describe both quantitatively and qualitatively the factors that affect the equal enjoyment of the rights protected by the various international human rights instruments that, according to the report, have implications for women human rights defenders. Thus, for example, statistics can be provided on women according to age, ethnicity, disability, human mobility, etc., which can show the reasons for and forms of restriction of their activities, especially if they stem from cultural or structural reasons.

Detailed analytical information can also be gathered on progress in guaranteeing the rights of women human rights defenders, which can consist, for example, of indicating legal provisions, institutions linked to the issue and budgets.

Ultimately, the collection and presentation of gender-disaggregated data is critical to assessing progress and addressing persistent disparities and challenges in promoting gender equality and eliminating discrimination. (United Nations, 2009).

VII. OBSERVATIONS OF NATIONAL HUMAN RIGHTS INSTITUTIONS

This chapter is useful in that it serves to make a qualitative leap from the context to the specific facts of concern to the research, according to the National Human Rights Institutions' own observations.

It is a specific space to show the gravity of the situation. It includes both a narrative of the most relevant or exemplary stories of the issues or rights addressed in the report, as well as an analysis that confronts them with the human rights protection standards of the HRDs determined in the national context.

1. **Specific situations and relevant cases.**

This is the core of the report. It should focus on the possibility of illustrating and supporting the assertions made about human rights violations in the country, through the analysis and systematization of cases.

It consists of the specific evidence presented in the report through a narrative supported by real cases, of which the most relevant should be shown, preferably those that have been known to the National Human Rights Institutions, either because they have received them through complaints or denunciations or because they have intervened in them in some way.

The basis for the development of this section is the correct substantiation of the rights, since it is better to identify them from the casuistic narrative. It should be noted that there are many rights that can be violated against human rights defenders. Although there are generally serious violations of civil and political rights, such as life, personal integrity, security, participation, judicial guarantees, etc., other rights such as economic, social, cultural and environmental rights may also be violated, which makes it necessary to highlight the context and standards for such rights.

The case should be enriched with specific related information and data. For this purpose, NHRIs can mention:

- Number of complaints or denunciations received by the Institution, disaggregated by gender, age, ethnicity, human mobility, disability, geographic location, with emphasis on differentiating between urban and rural localities, belonging to a minority, religion or other category, in a given period.
- Number of early warnings if they have developed an early warning system process.
- Disaggregated numbers by type of human rights violations.
- Characterization of human rights defenders who have suffered violations, for example, the social sector in which they carry out their activities.

2. **Review and analysis in the light of human rights sources**

With the concrete information, it is necessary to return to the Declaration on Human Rights Defenders and other international human rights instruments, but this time to analyze in greater depth the rights and obligations of States that come into play. The report can also refer to other sources such as resolutions of protection bodies, general observations, thematic reports, advisory opinions, etc., which allow for a relational analysis of the reality to be shown.

In particular, applying the gender approach, it is advisable to find support on Sustainable Development Goal No. 5 on “Achieve gender equality and empower all women and girls”. This goal has a total of 9 targets that focus on achieving gender equality and empowering women and girls worldwide. These goals cover a range of issues, from eliminating discrimination and gender-based violence to access to education, participation in decision-making and ensuring sexual and reproductive health. Women human rights defenders are constantly fighting for the fulfillment of the goal and its targets, which is

why it is necessary for NHRIs to refer to them in their analysis.

3. **Analysis of the effectiveness of government regulations and measures**

The analysis continues, this time on the effectiveness or otherwise of regulations, administrative measures and other types of measures developed by the State to address violations of the rights of human rights defenders. Reference should also be made to relevant jurisprudence that helps to develop the analysis, especially when it should have relevance in the events, but is not considered.

Regarding measures, both administrative and judicial measures should be mentioned and their effectiveness should be analyzed, for example, the existence of specialized defense mechanisms, protection routes, investigation protocols, specialized judicial protection programs, among others.

4. **Access to justice**

Access to justice is a fundamental right in itself, recognized in numerous international human rights instruments and treaties. Guaranteeing this right is essential to protect and promote other human rights.

Human rights defenders should be able to seek protection and justice in the event of threats, attacks or violations of their rights. NHRIs should advise HRDs who suffer violations of their rights on the implications of access to justice, and assist them to seek protection and justice in the event of threats, attacks or violations of their rights. justice, and help them to file complaints so that those responsible do not enjoy impunity, in addition to seeking redress for the violations suffered.

NHRIs should document the cases of human rights defenders who have accessed justice, and the situations that have occurred therein, for example, access barriers such as economic, geographic, linguistic, etc., protection measures for HRDs and effectiveness, judicial delay, statistics on resolved cases, application of human rights standards in sentences, number of cases that have had reparations, etc. This information will make it possible to evaluate the effectiveness of the judicial bodies in charge of protecting human rights.

In this context, in reference to the development of the report on the situation of human rights defenders, NHRIs will be able to provide valuable information to identify the shortcomings of the justice system and promote improvements for the protection of human rights.

Among the information that NHRIs can process and analyze, the following can be noted:

- Information on defenders' access to judicial instances to denounce threats or violations of their rights.
- Results of investigations and judicial processes related to the protection of human rights defenders.

- Analysis of effective judicial remedies that guarantee victims access to justice and the corresponding reparation measures.
- Evaluation of the effectiveness of judicial measures.
- Verification of the duty to guarantee. (FIO, 2018).

Finally, in the report on the protection of human rights defenders, NHRIs will evaluate the level of impunity that exists, based on whether or not the State, through its justice bodies, has the capacity to ensure that the aggressors face legal consequences for their actions.

5. Allocation of resources

NHRIs have the capacity to evaluate the effectiveness of the resources allocated by the State for the protection of human rights defenders. These resources can be quantitatively identified in state institutions and in the programs they implement.

While conducting an assessment of the effectiveness of resources can be a complex process, it is necessary for NHRIs to make efforts to introduce this topic into the report, as it demonstrates the level of commitment of the state to the protection of human rights defenders. Institutions or programs without sufficient resources simply cannot achieve their intended purpose.

In order to assess the effectiveness of resources, NHRIs could, among other things:

- Conduct an analysis of the needs of human rights defenders and the threats they face, for example, answering the following questions: Are they achieving the desired results in terms of protection and security? Are they achieving the desired results in terms of protection and security, and have threats or attacks been prevented?
- Seek opinions and advice from experts in human rights and protection of human rights defenders, who can help assess whether resources are adequate to address existing threats.
- Involve defenders themselves in the assessment process, as they can provide valuable information on the effectiveness of protection measures and gaps in resource allocation.

6. Obstacles faced by human rights defenders

This section is presented as a final summary of what has been developed so far. The aim is to carry out a qualitative analysis of the findings and, from there, to identify the real obstacles faced by human rights defenders.

This analysis of results can show the deficiencies of structural, process and result human rights standards, for example, in order, whether or not there are sufficient regulations for the protection of the human rights of human rights defenders; whether policies and programs are being implemented or do not have continuity; whether the cases heard by the justice bodies are sanctioned, among others.

Without being an extensive outline of conclusions and recommendations, this space can be used to highlight some important challenges for the State, and to make proposals for future objectives, for example, the creation of specialized mechanisms or action plans.

VIII. CONCLUSIONS

Drawing conclusions is fundamental to present, in summary form, the key points of the report, to emphasize the findings, to guide decision-making, and to highlight the importance of protecting human rights defenders in the country. It serves as a call to action and a reminder of human rights commitments.

In this way, the conclusions set out in the report on the situation of human rights defenders will aim to:

- Synthesize information and key findings.
- Orient towards the most relevant results and implications.
- Help state institutions, civil society organizations and the international community take informed action to address the problems identified in the report.
- To help identify areas for improvement and deficiencies that require attention.
- Generate public awareness of the situation of human rights defenders.
- Support the cause of human rights defenders.

IX. RECOMENDATIONS

Recommendations in a report on the situation of human rights defenders are important to provide solutions, encourage action, promote accountability and improve the protection of human rights.

In this regard, recommendations in the report should consider:

- Orient towards solutions to the problems identified in the report. X. Promote the adoption of specific measures for the protection of the rights of human rights defenders.
- Promote accountability.
- Build bridges of inter-institutional dialogue, and between the State and civil society.
- Promote the repeal, reform or creation of laws, as well as public policies that strengthen the protection of human rights defenders.
- Raise public awareness of the importance of protecting human rights defenders and mobilize civil society to support them.

X. ANNEXES

Annexes in a report on the situation of human rights defenders are a valuable tool to support and strengthen the report's findings. They provide concrete evidence, enhance credibility, and allow fuller access to relevant information.

Annexes will consist of additional documents, detailed statistics, case studies, among others, that support the information presented in the report. They can be presented physically or through links that allow direct access to the information, for example, when it is a judgment or other public document such as laws or regulations.

For the inclusion of annexes in the report on the situation of human rights defenders, the following may be considered:

- Include evidence such as incident reports, photographs, official communications, transcripts of testimonies and other relevant materials. Annexes allow for the inclusion of detailed information that, due to space limitations, cannot be incorporated directly into the body of the report.
- Transparency of information through original documentation.
- Give credibility to the report by allowing access to documents that can be verified.
- Facilitate the search for additional information and a complete understanding of the topics covered.
- Facilitate future research.

The use of annexes may also be considered to protect the identity of individuals by not including direct personal information in the body of the report.

XI. REFERENCES

References support the credibility, transparency and verifiability of the information presented in the report. Accordingly, a list of sources used in the preparation of the report on the situation of human rights defenders will be added at the end of the report.

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