



Founded in 1979, the **Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)** is a regional association of national and regional networks of civil society organizations (CSOs) in Asia actively engaged in promoting food sovereignty, land rights and agrarian reform, sustainable agriculture, participatory governance, and rural development. ANGOC member networks and partners work in eight Asian countries together with some 3,000 CSOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy discussions with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

The complexity of Asian realities and diversity of CSOs highlight the need for a development leadership to service the poor of Asia – providing a forum for articulation of their needs and aspirations as well as expression of Asian values and perspectives. Thus, the ANGOC network promotes land and resource rights, smallholder agriculture, and human rights and civic participation by serving as a platform for Asian CSOs to generate knowledge, share tools, and conduct constructive policy dialogues.

ANGOC is a member of the Global Land Tool Network (GLTN), Global Forum on Agricultural Research and Innovation (GFAiR), Indigenous Peoples' and Community Conserved Areas and Territories (ICCA) Consortium, International Land Coalition (ILC), Fair Finance Asia (FFA), and Alliance for Land, Indigenous and Environmental Defenders (ALLIED).

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The **Kaisahan tungo sa Kaunlaran sa Kanayunan at Repormang Pansakahan (KAISAHAN)** is a social development organization promoting a sustainable and humane society through the empowerment of marginalized groups in rural areas, especially among farmers and farm workers, to undertake their own development, participate fully in democratic processes, and demand their rightful share in the stewardship of the land and the fruits of their labor.

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Fact finders and truth tellers:

A manual for land and human rights monitoring

Land Justice Initiative is implemented by:



KAISAHAN
TUNGO SA KAUNLARAN NG KANAYUNAN
AT REPORMANG PANSAKAHAN



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Foreword

Land is essential for the enjoyment of other rights – shelter, food, freedom, human dignity, and security. As land is a source of livelihood, it is central to economic rights. Land is also often linked to peoples’ identities, and so is tied to social and cultural rights.

As a limited resource, land often becomes a source of conflict, driven by competing interests, inequitable access, poor governance, and injustice. In many situations, land conflicts are both symptoms and catalysts of human rights violations (HRVs).

However, many cases of land conflicts and HRVs remain unrecognized and unreported.

This manual seeks to improve how land conflicts and related HRVs are monitored, documented, and reported.

This manual was created for communities affected by land conflicts. It seeks to empower CSOs and partner communities to seek the truth, build evidence, defend land as a human right, and demand accountability from duty bearers.

It is a hands-on guide intended for local paralegals, *barangay* justice systems, *barangay* leaders, and community members working for just and equitable land rights.

This manual is presented in four sections: a) basic concepts of land rights and a framework for identifying land rights issues that affect communities or contribute to HRVs; b) guidelines for conducting interviews and gathering material evidence relevant to the case or HRV; c) practical guide for organizing one’s findings and presenting these clearly and systematically in a written report; and, d) guidance on how to deal with families who are grieving, but at the same time seeking justice, through the discussion of issues and conflicts faced.

As a work in progress, this manual draws from ANGOC’s instruments for land and resource conflict monitoring, focus group discussions with KAISAHAN and their *Dagyaw* Negros case documentation experience, and the tools and experiences of other organizations. The interview guides were field-tested in KAISAHAN’s ongoing *Dagyaw* Project in Leyte and Negros provinces. Two training courses for land and human rights defenders were conducted in these provinces which further enriched the finalization of this publication.

ANGOC and KAISAHAN express our gratitude to Antonio Quizon and Geminiano Sandoval, Jr. as lead writers of this manual. Our appreciation extends as well to the European Union for the financial support in the production of this publication through the **Land Justice Initiative (LJI)** jointly implemented by KAISAHAN and ANGOC.

Finally, through this manual, the LJI continues to engage and support the Commission on Human Rights of the Philippines in addressing land conflicts and HRVs while strengthening protections for affected communities and land and human rights defenders.

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Acronyms

used in this publication

| | |
|----------|--|
| ANGOC | Asian NGO Coalition for Agrarian Reform and Rural Development |
| AR | agrarian reform |
| ARB | agrarian reform beneficiary |
| CARL | Comprehensive Agrarian Reform Law |
| CARP | Comprehensive Agrarian Reform Program |
| CARPER | CARP Extension with Reforms |
| CEDAW | Convention to Eliminate Discrimination Against Women |
| CHR | Commission of Human Rights |
| CSO | civil society organization |
| DAR | Department of Agrarian Reform |
| EU | European Union |
| FGD | focus group discussion |
| FPIC | free, prior, and informed consent |
| HR | Human rights |
| HRV | Human rights violation |
| ICCPR | International Covenant on Civil and Political Rights |
| IESCR | International Covenant on Economic, Social, and Cultural Rights |
| IPs | indigenous peoples |
| IPRA | Indigenous Peoples' Rights Act |
| KAISAHAN | Kaisahan tungo sa Kaunlaran sa Kanayunan at Repormang Pansakahan |
| KII | key informant interview |
| LJI | Land Justice Initiative |
| UDHR | Universal Declaration of Human Rights |
| UNDRIP | UN Declaration on the Rights of Indigenous Peoples |

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Chapter 1

Understanding land rights as human rights

This chapter orients the manual user to the basic concepts of land rights, presuming that the user has prior exposure to the topic. It offers a lens or framework for identifying land rights issues that affect communities or contribute to human rights violations. This chapter also aims to guide human rights workers in identifying and monitoring land rights violations, which often stem from land-related conflicts. In some cases, the conflict itself may constitute a violation.

What are land rights?

Land is essential for the enjoyment of other rights – shelter, food, freedom, human dignity, and security. As land is a source of livelihood, it is central to economic rights. Land is also often linked to people’s identities, and so is tied to social and cultural rights.

Many conflicts are rooted in competing interests over land, often resulting from issues of equity, lack of access, poor governance, and injustice. Land conflicts are both indicators and drivers of human rights violations (HRVs).

Defining land rights and identifying their violations, however, is often difficult and complex, especially since many violations are not immediately visible. Killings, arbitrary detentions, and red-tagging are clear violations of human rights, yet authorities often fail to see their links to land rights. They often overlook the fact that the enjoyment of many human rights depends on secure access to land and resources -- and that violations of land rights can serve as pathways to broader human rights abuses.

The UN Committee on Economic, Social, and Cultural Rights, in its General Comment No. 4, states that everyone should have a “degree of security of tenure which guarantees legal protection against forced eviction, harassment, and other threats.” In its General Comment No. 7, the Committee underscores the

interrelationship and interdependency of all human rights and thus, forced evictions may lead to the violation of other human rights, such as the “right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.”

Land rights violations do not only refer to evictions. Land rights do not only refer to the loss of land or property title; many other resources, abilities, and freedoms, may also be lost when land rights are violated.

Also, land rights go beyond the narrow scope of property rights – typically defined under Civil Law as formal, individual ownership backed by legal title. Rather, land rights may be more comprehensively viewed through the concept of tenure rights, which refers to the range of relationships people and communities have with land – covering access, use, control, transfer, as well as its allocation, governance, and protection. For example, in formal systems, tenure may be defined through legal ownership, lease agreements, or usufruct rights granted by the State. In customary or communal systems, tenure may also be based on long-standing traditions, shared use, or collective stewardship, such as ancestral domain rights of indigenous peoples (IPs) or communal farming arrangements among rural communities.

The concept of tenure rights recognizes that land is not merely an economic asset but a foundation of identity, livelihood, and survival, particularly for IPs, small farmers, and rural communities. Viewed through a rights lens, tenure rights extend beyond private property to include public lands, communal spaces, ancestral domains, and linked natural resources such as groundwater, forests, fishing areas, and water bodies – acknowledging land’s indivisible nature and the range of services that it provides.

In the Philippine context, while property rights are protected by civil law and tied to formal titles, many communities legitimately claim land – drawing from historical or ancestral domain rights, sustained occupation and use, customary law, or provisions under laws like the Indigenous Peoples’ Rights Act (IPRA) and the Comprehensive Agrarian Reform Program (CARP). Recognizing tenure rights is therefore essential to advancing social justice, security, access to livelihoods, and protecting the rights of marginalized populations.

The slow implementation of the agrarian reform program in the country has deprived many prospective and actual beneficiaries of the full enjoyment of their land. This situation results not only in the continued violation of their land rights, which is connected to their right to food, livelihood, and shelter. In many cases, resisting landowners have resorted to coercive means to block land redistribution, further undermining farmers’ fundamental right to life, liberty, and property.

Land rights are not limited to rights prescribed by law or the average property relations. Land rights are broad and expansive because they are connected to fundamental human rights. Land rights emanate from profound connections to land since they often relate to shelter, livelihood, and any other factor that contributes to human dignity. Thus, land rights are protected and enforced through social legislation to tilt the balance in favor of the vulnerable and marginalized rights holders.

Violations of land rights, as they are connected to fundamental human rights, are not easily remedied due to structural and systemic inequities and neither are they restored by mere compensation. The following are examples of violations of land rights:

- harassment cases filed against agrarian reform beneficiaries by landowners;
- coercion, intimidation, persecution of communities opposed to a dam project;
- failure to observe the right to Free Prior and Informed Consent (FPIC) of IPs to be displaced by a mining project.

In contrast, civil law issues involving land are often adjudicated through rules defined by law, as they involve situations already contemplated by the legal system. These would refer to issues pertaining to inheritance, property relations in dissolved marriages, or overlapping titles of private owners of land. The issue would usually be between at least two parties with no stakeholders having a remote interest in the land. They do not arise from unbalanced social relationships requiring positive intervention from the government or other stakeholders. The injured party may also be made whole again through the payment of damages. Examples of such issues are:

- sale of land using a falsified Transfer Certificate of Title
- dissolution of co-ownership of land by co-owners due to disagreements on its use
- transfer of real properties to legitimate children to the exclusion of illegitimate child upon settlement of the deceased's estate.

How are land rights linked to human rights?

Respecting land rights is necessary for the enjoyment of other fundamental human rights. These fundamental human rights are listed in the International Bill of Rights that is made up of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

The UDHR recognizes that each person has inherent dignity and equal and inalienable rights. It establishes that each person has the right to own property and not to be arbitrarily deprived of it. It also underscores the right of one, together with his family, to an adequate standard of living, including proper housing. These provisions show that land rights do not merely deal with land ownership, but are fundamentally linked to human dignity.

As with the UDHR, the ICCPR emphasizes the right to life. The right to life is not to be interpreted merely as protection from killing or physical harm. The right to life seeks to ensure that every person enjoys a life with dignity. Governments are duty-bound to protect life and provide conditions that allow their citizens to enjoy life with dignity.

Figure 1

International human rights instruments

| International Bill of Rights | Other international human rights treaties | Other human rights instruments |
|--|--|---|
| <p>Universal Declaration of Human Rights</p> <p>International Covenant on Civil and Political Rights</p> <p>International Covenant on Economic, Social and Cultural Rights</p> | <p>Convention on the Elimination of All Forms of Racial Discrimination</p> <p>Convention on the Elimination of All Forms of Discrimination Against Women</p> <p>Convention on the Rights of Persons with Disabilities</p> <p>Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</p> <p>International Convention for the Protection of All Persons from Enforced Disappearances</p> | <p>Declaration on the Rights of Peasants and Other People Working in Rural Areas</p> <p>Declaration on the Rights of Indigenous Peoples</p> <p>Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms</p> <p>ILO Convention 169</p> |

The ICESCR, meanwhile, asserts the right of each person “to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” This right goes beyond literal interpretations. For instance, as to housing, the right is not

Box 1

Declaration on the Rights of Peasants and Other People Working in Rural Areas

In 2018, the UN General Assembly adopted the Declaration on the Rights of Peasants and Other People Working in Rural Areas. It recognizes that peasants and rural workers are disproportionately afflicted by poverty, hunger, and malnutrition. They are also the most vulnerable to the effects of environmental degradation and climate change. Moreover, they have been increasingly the victims of forced evictions and displacements.

Articles 17 and 18 underscore the right to land of peasants and rural workers. Article 17 ensures their right to access land and to sustainably use and manage it. The article also mandates countries to legally recognize tenurial rights. It further adds that peasant and rural workers should not be arbitrarily dispossessed of land.

Article 18 mandates environmental protection and conservation of land used and managed by peasants and rural workers. It also directs the protection and conservation of the land's productive capacity. It obliges States to implement measures to combat climate change and to consult peasants and rural workers to gain insight from their traditional knowledge. The article also strictly prohibits the disposal of hazardous waste on these lands.

satisfied by the mere provision of shelter to the homeless or to any person for that matter. The right to housing is coupled with the right to live in security, peace, and dignity.

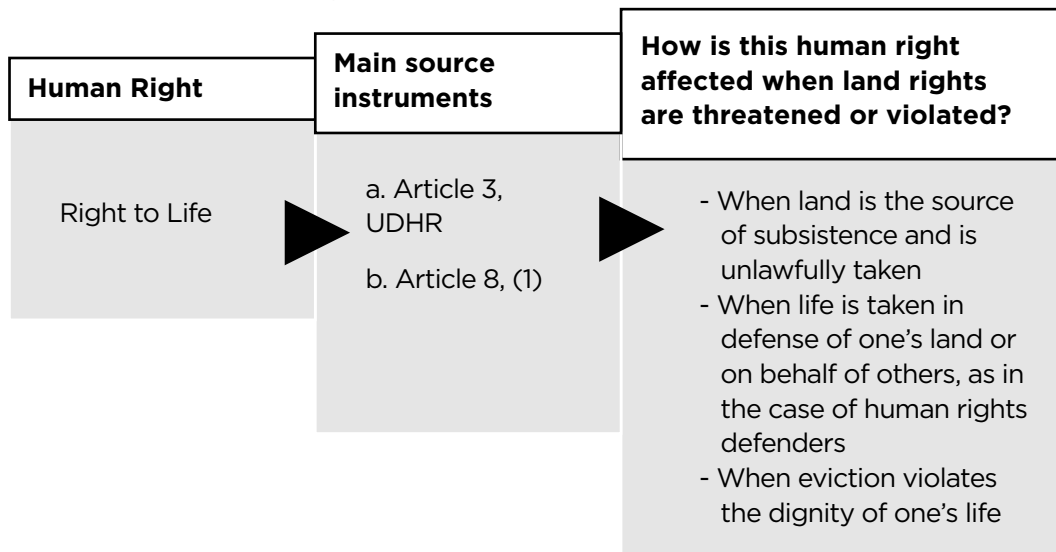
Other treaties address more specific human rights issues. They include the International Convention on the Elimination of All Forms of Racial Discrimination (ICEAFRD); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and, the Convention on the Rights of the Child (CRC).

Although there is no specific treaty yet dedicated to the right to land, the 2018 Declaration on the Rights of Peasants and Other People Working in Rural Areas recognizes the right to land of farmers under its Article 17. Also, Articles 14 to 16 of the International Labour Organization (ILO) Convention 169 or the Indigenous and Tribal People's Convention, 1989, recognize the rights of IPs to their ancestral lands and the natural resources found therein.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) also provides for the land rights of IPs. Article 24 states that IPs have a right to the land, territories, and resources they have traditionally occupied.

Figure 2

International human rights instruments



The right to an adequate standard of living is upheld through equitable access to land. This has been described as key to eradicating hunger and poverty.

Land rights can refer to tenurial rights that are tied to one's livelihood. General Comment No. 26 of the United Nations Committee on the Child connected the use of land to the right to a clean, healthy, and sustainable environment and to the right to development. It also described land as essential to everyone's right to participate in cultural life since land is the usual setting for social, cultural, and religious activities.

Women's rights to land should be clearly defined and lasting, not subject to termination by a mere change in social status, nor any other traditional and culture-based events. In some cultures, for instance, land is customarily inherited only from father to son, effectively excluding daughters from their rightful share. In such cases, women's rights must also be protected by law and not made dependent on patriarchal systems or customs. Women should also have access to relief and redress to enforce their rights. They should also be able to participate in defining policies that affect their land rights.

Thus, even without a stand-alone human right to land, current international human rights standards and other relevant international law principles already cover land rights issues. Figure 2 illustrates the relation of land rights to many other fundamental human rights recognized in various international instruments. It also underscores the principle of interrelatedness of human rights.

How are land rights protected in the Philippines?

The significance of the international legal framework of the right to land is it illustrates the interrelatedness of human rights – i.e., land rights are violated when other human rights are not protected, and conversely, land rights violations can lead to broader human rights abuses. In the Philippines, the legal system protects many forms of land rights through the 1987 Constitution and enabling laws.

Article III of the Constitution, the Bill of Rights, outlines a set of obligations or duties for the State to protect and respect its citizens, and these duties have, in principle, also been extended to private persons and enterprises.

Section 1 of the Bill of Rights states that “[n]o person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.” Section 9 of Article III mandates the award of

Box 2

The Constitution and Land Reform

Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) and subsequent enactments find their root in Article XIII, Section 4 of the Constitution. This provision mandates the State to enact a law that institutes an agrarian reform program. The program should be based on the right of landless farmers to own by themselves or collectively, the land they till.

CARL defines a farmer as “... a natural person whose primary livelihood is cultivation of land or the production of agricultural crops, either by himself, or primarily with the assistance of his immediate farm household, whether the land is owned by him, or by another person under a leasehold or share tenancy agreement or arrangement with the owner thereof.”

It should be noted that while informal settlements in urban areas are often made the face of poverty in the Philippines, poverty incidence in the Philippines is highest in rural areas. Based on official statistics, poverty incidence among farmers is 30 percent. Poverty among children and individuals residing in rural areas are at 26.4 percent and 25.7 percent, respectively.

Republic Act No. 9700 or the CARP Extension with Reforms (CARPER) sought to eliminate discrimination towards women in agrarian reform. It recognizes the “rights of rural women to own and control land, taking into consideration the substantive equality between men and women as qualified beneficiaries.” The law underscores that women have a right “to receive a just share of the fruits” of the land and to “be represented in advisory or appropriate decision-making bodies.” More importantly, the law declares that these rights “shall be independent of their male relatives and of their civil status.”

CARPER also states that support services shall be available to men and women without discrimination. Further, such support services shall address the specific needs and well-being of women beneficiaries.

just compensation for any property taken by the government. These underscore the Philippine government’s duty to protect and respect human rights and property rights.

Section 5 includes the free exercise clause providing individuals the freedom to exercise their religious beliefs. This provision, if interpreted in accordance with General Comment 26, shows that the free exercise of religion may be infringed when certain rights pertaining to land are violated. For instance, there are peoples whose exercise of religion is attached to their land and thus, encroachment into their land or the environmental degradation of their land amounts to a violation of their right to free exercise of religion.

Section 6 ensures the liberty of abode that can only be impaired by a court order. Article XII, Section 6 states that the use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.

Article XIII refers to Social Justice and Human Rights. Section 1 mandates Congress to pass laws that promote human dignity and eliminate all kinds of inequalities. Thus, the State is given the authority to regulate property ownership.

Table 1

Some Philippine laws that protect land rights and institute tenure reforms

| Law | Salient features |
|--|--|
| Urban Development and Housing Act of 1992 (R.A. 7279) | <ul style="list-style-type: none"> • Mandates the transfer of unused government lands to the National Housing Authority for socialized housing • Directs expropriation of idle lands • Provides incentives for the private sector to be involved in socialized housing • Mandates resettlement of those residing in danger areas |
| National Integrated Protection Areas Act of 1992 (R.A. 7586) | <ul style="list-style-type: none"> • Establishes at least seven types of protected areas • Recognizes ancestral lands • Prohibits certain activities in protected areas |
| Philippine Mining Act of 1995 (R.A. 7942) | <ul style="list-style-type: none"> • Defines mineral reservations • Prohibits mining in certain areas • Recognizes rights of indigenous cultural communities to their ancestral lands |

| Law | Salient features |
|--|---|
| Indigenous People’s Rights Act of 1997 (R.A. 8371) | <ul style="list-style-type: none"> • Defines ancestral lands and ancestral domains • Enumerates rights of Indigenous Peoples • Establishes NCIP • Provides process for delineation and recognition of ancestral domains |
| Department of Human Settlements and Urban Development Act (R.A. 11201) | <ul style="list-style-type: none"> • Establishes the Department of Human Settlements and Urban Development • Reconstitutes HLURB to HSAC • Establishes Housing One Stop Processing Centers • Mandates identification of government land for housing and rural development |

What are the drivers of land rights violations in the Philippines?

Human rights violations affecting land rights commonly happen in land conflict cases. Land conflict occurs when two or more parties assert conflicting claims — whether of ownership, tenure, use or access — over the whole or a portion of a specified land or territory.

The conflict is aggravated by systemic conditions such as weak governance, unequal power relations, widespread tenure insecurity, or unresolved legal and institutional issues. A land conflict case details the narrative of the conflict. It describes the location, duration, size of land or resource in conflict, and the types of land and resource involved, based on their actual use by communities.

The rights holders’ claim may be based on either law or custom; however, they are often unable to exercise and fully enjoy their rights because of the adversarial claimant’s greater power and influence.

Elements of a land conflict

A land conflict typically involves several interrelated elements or indicators.

First, there must be a disputed land or water area – a clearly identified territory that is the object of contention. This may involve agricultural lands, residential plots, ancestral domains, commercial zones, or protected areas.

Second, conflicting claims arise when two or more parties assert competing rights over ownership, tenure, boundaries, usage, or access. These claims may be based on legal documents, customary practices, historical occupation, or informal arrangements.

Box 3

Examining the drivers of land conflict

The ANGOC monitoring initiative identifies drivers of land conflict that are not necessarily violations of land rights, but may result in HRVs.

Drivers of land conflict include private-led investments or enterprises. This may take the form of industrial farms or agribusiness that operate plantations, mining and quarrying, real estate development, tourism, industrial estates, logging, and power generation and transmission, resulting in displacement, destruction, dehumanization, or other forms of conflict.

Drivers also include landlord-tenant conflicts and conflicting claims between communities or sectors. Government programs may also drive land conflicts when there is lack of due process, policies that do not take into account the welfare of people, or displacement of people from their homes and livelihoods. These may come in the form of public utilities, infrastructure projects, land reclamation, special economic zones, housing and urban developments, and other government projects.

ANGOC's Land and Resource Conflict Monitoring initiative identifies HRVs in ongoing land conflicts. These include killings, enforced disappearance or detention and illegal arrests, physical harm or threat, and other forms of harassment. There have also been cases of criminalization and forcible eviction.

HRVs relating to land rights may also come in the form of inaction by government agencies or non-implementation of government policies. HRVs as land rights violations may also be committed by private persons and corporations through non-observance of FPIC, land grabs, illegal land conversions, or pollution.

Source: <https://angoc.org/portal/contested-lands-incidence-drivers-and-impacts-of-con%ef%ac%82ict-a-monitoring-report-of-land-con%ef%ac%82icts-in-six-asian-countries-2023-in-defense-of-land-rights-third-edition/>

Third, stakeholders play central roles in land conflicts. These may include two or more individuals, families, communities, government agencies, private corporations, or other groups with vested interests. Stakeholders may hold unequal power, influence, or access to resources. Among them are land rights holders – individuals or communities whose claims to land are grounded in law, tenure reforms, or custom, and whose relationship to the land is integral to their survival and identity. This includes those who physically occupy and use the land but may lack legal recognition.

On the other side are duty-bearers – individuals or entities responsible for respecting, protecting, and fulfilling the rights of others – especially land rights. These include government agencies, local officials, courts, law enforcement, and in some cases, private actors such as landowners, corporations, or developers.

They may also include traditional leaders or enablers. Duty-bearers may contribute to conflict through action — such as land grabbing or forced evictions — or through inaction, by failing to prevent or remedy rights violations. Their accountability is essential for resolving land conflicts and upholding human rights.

Fourth, a land conflict usually has a legal or customary basis for each claim. Competing parties may rely on customary tenure systems, traditional rights, formal land titles, or government-issued instruments. Conflicts often emerge when these systems overlap, clash, or remain unresolved.

Fifth, drivers and triggering events are crucial in understanding how a conflict escalates. A driver may be an action by an adversarial claimant — such as altering the use, control, management or access to land — that undermines community rights and use. Triggering events can include land grabs, forced sales, resource exploitation, reclassification, expropriation, or sudden shifts in land management systems or policies.

Sixth, underlying or latent conditions are the deep-rooted structural problems that create long-term vulnerability to conflict. These include insecure tenure, corruption, weak governance, unresolved historical injustices, power imbalances, population pressure, forced migration, and exclusion from land-related decision-making. Even in the absence of open confrontation, such conditions can generate tension and instability.

Lastly, markers of conflict are observable events that signal the emergence or escalation of a land dispute. These may include direct confrontations, community complaints, protests, lawsuits, encroachments, destruction of crops or property, threats of eviction, displacement, arrests, and the presence of security forces or armed actors. HRVs and incidents of violence are also key indicators that a land conflict is deepening.

Hence, when HRVs are reported, a monitor should probe its root causes and determine whether the violations are related to conflict over land.

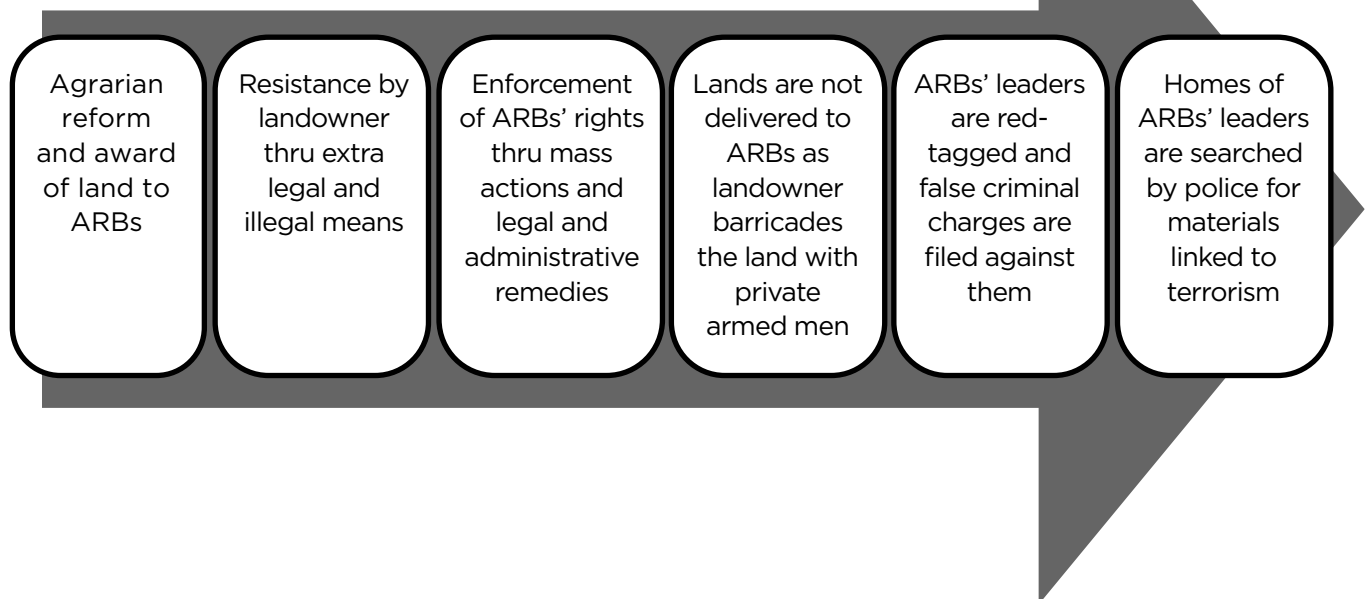
HRVs as markers of land conflict

There is a common misconception that HRVs are acts of violence towards the victim/s. Oftentimes, as a result, the connection between land rights and a pattern or series of HRVs is overlooked. In reality, violence against victim/s is usually the final manifestation of a deeper, ongoing land conflict or land rights violation.

Figure 3 illustrates how land rights violations can progress and escalate over time. The final two stages that involve physical arrests and criminalization, if

Figure 3

Progression of land rights violations



taken in isolation, may not immediately appear to be land-related unless the victims' background and the context of the land conflict are closely examined.

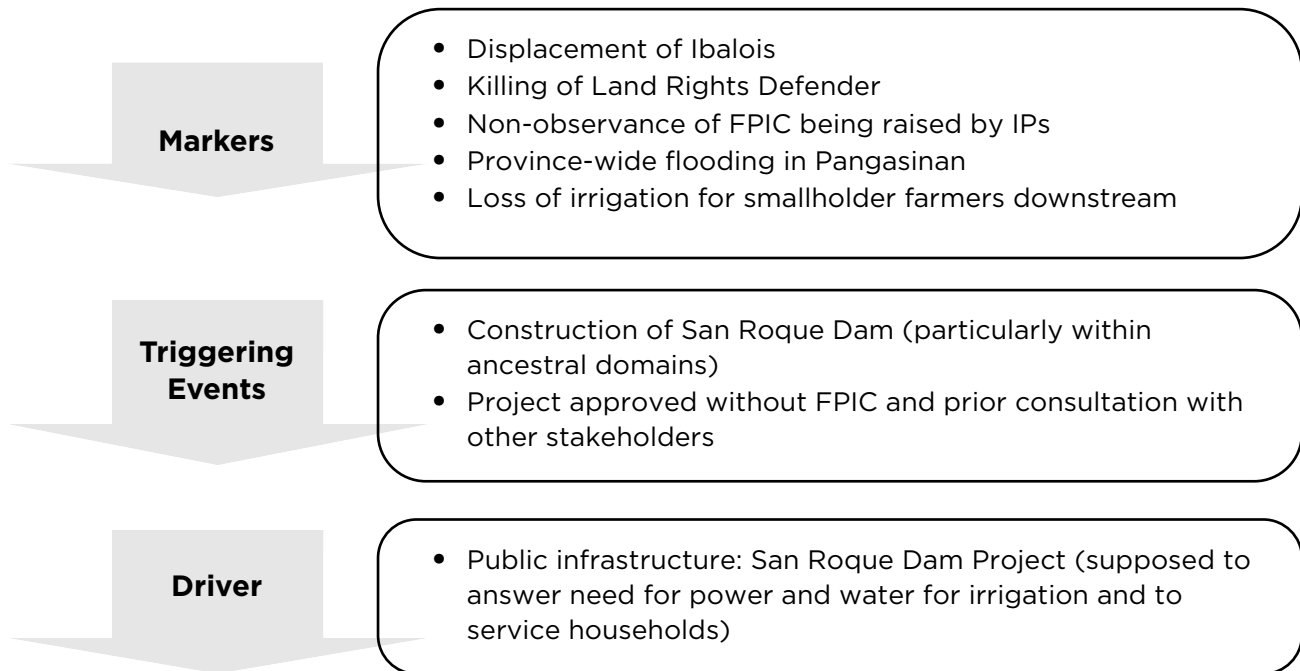
It is therefore the task of the monitor to be familiar with the circumstances surrounding a conflict or HRV incident. S/He should be familiar with the relevant laws; the geography of the community and its general location; the influential and powerful people in the locality; the victim and/or the community and its marginalized and vulnerable members; and, recent developments affecting the community.

The monitor should also be able to identify the structures and persons that caused the land rights violations. S/He would then be able to relate such sets of circumstances to drivers of land conflict or violations of land rights.

Drivers of land conflict — such as land-based investments or government projects — may signal the potential for disputes and rights violations, but it is specific triggering events that ignite actual conflict. These triggers or accelerants — such as land grabs, land conversion, fencing and construction, delays in land distribution to agrarian reform beneficiaries, or the exercise of eminent domain for infrastructure projects — mark the transition from latent tension to active conflict. They often escalate into aggressive actions, including HRVs against individuals or entire communities. Such events serve as clear markers, revealing that a land conflict is no longer potential but real. This progression is evident, for instance, in the case of the San Roque Dam construction as illustrated in Figure 4.

Figure 4

Drivers of land conflict in the San Roque Dam Project



Preparing oneself to be a monitor

A monitor is one who engages in the process of establishing facts to determine if there has been a land rights violation. Having knowledge of land rights and land conflict is only the start of preparing to conduct human rights monitoring activities. The monitor must be aware of the context and nuances, including risks and dangers, of a particular situation in order to assess it as a land conflict case. These are also necessary to gather information on an HRV.

Be familiar with relevant laws

The monitor should be familiar with human rights frameworks and prevailing laws. Laws reflect the rights granted to people/s. For instance, if a community is made up of Agrarian Reform Beneficiaries (ARBs), then s/he should check for violations of CARL. Familiarity with laws also allows one to understand which agency/ies may have jurisdiction over the community. It also helps in knowing what remedies are available and what evidence to gather.

Be familiar with geography

The monitor should also be familiar with the affected geography. Geography may indicate the location of infrastructure or development projects. Geography of

where communities reside or have their livelihood would provide insights to possible land conflict. It may point to valuable resources that big businesses may want to access.

Be familiar with relevant personalities

Local personalities are either the good guys or the bad guys with respect to land rights. Thus, monitors should know who they are. Persons who would assist rights holders like other CSOs or church leaders could give information on land rights issues prevailing in the area. Opposing personalities like politicians or powerful landowners may indicate the extent of the problems pertaining to land with the influence they have.

Be familiar with the victim

One should know the person or community that experienced an HRV as they can provide more context to her/his or their experience. Their activities or occupation

Box 4

Brief overview of San Roque Dam project

The San Roque Dam project involves the construction of a hydro-electric power dam on the Agno River in the Cordilleras. When it was proposed, it was touted to be the tallest dam project in Asia at 200 meters and would provide 345 megawatts of energy to the Luzon grid. The construction started in 2008.

Thousands of Ibalois from 780 households were displaced by the construction. The NCIP declared the project to have violated the IPRA law since no FPIC was conducted. In 2006, a human rights defender protesting against the dam's construction was reported to have been killed because of his opposition to the project.

It was also said to benefit farmers, as it would irrigate 87,000 hectares of agricultural land. It was also supposed to reduce flooding downstream and siltation of the river. However, based on the same promises when the Binga and Ambuklao dam projects were constructed, the projected benefits did not occur. In fact, flooding increased, affecting smallholder farmers downstream.

The province of Pangasinan was inundated in 2003 after typhoon Chedeng; in 2004 because of typhoon Marce; and in 2009, because of typhoon Pepeng. The flooding was attributed to the San Roque Dam's spillover. Typhoon Pepeng submerged the entire province resulting in losses amounting to billions worth of crops and infrastructure. Fifty-seven persons also perished.

The farmers also reported that the water flowing from the Agno River, which used to irrigate their farms, was drastically reduced.

Source: *Global Atlas of Environmental Justice, San Roque Multipurpose Dam Project, Philippines* <https://ejatlas.org/print/san-roque-multipurpose-project>

can be linked to a land rights violation. A community's involvement in litigation or opposition to a project may indicate the reason for the HRV perpetrated against them.

Be familiar with recent events

Recent developments may have aggravated the situation or accelerated events to perpetrate HRVs against persons or communities. These could be drivers, trigger events or markers of land conflict. Such developments may include new laws, regulations or ordinances whether protecting or lifting protections to land rights. It may also be approval of infrastructure projects or grant of mining permits. The monitor should also be aware of activities or movements of the local police or military, which could also be markers of a land conflict.

Being familiar with recent events or developments also helps the monitor assess the risk. For instance, if private armed men continue to roam the community, this fact should be a signal to the monitor to stay away.

In the experience of KAISAHAN, their focus is agrarian reform and hence, they normally check government records for ARBs who have yet to be installed in their land or for other agrarian land rights violations. KAISAHAN has also trained paralegals who have experience in identifying violations of land rights. In addition, since some of them are members of a community, they are also familiar with the prevailing issues pertaining to their land. They have also established relations with some local leaders, including those from the church, who inform them of developments on the ground. The relative facility for a civil society organization (CSO) with a partner community to act on HRVs is reflected in KAISAHAN's experience, but such may not be the same for others.

The foregoing provides the minimum standard of knowledge for conducting human rights monitoring work with respect to land rights. By no means are these exclusive, as this manual recognizes that people working on the ground may have a keener understanding and feel of land rights issues. ■

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Annex 1.1

Land rights as related to human rights

| Human Right | Main international instruments | How this human right is affected when land rights are threatened or violated |
|---|---|--|
| Right to Food | <ul style="list-style-type: none"> • Art. 25, UDHR • Arts. 11.1, 11.2, ICESCR • Art. 28.1, CRPD | <ul style="list-style-type: none"> • When development prevents the vulnerable and marginalized from accessing land that is the source of their food |
| Right to Adequate Housing | <ul style="list-style-type: none"> • Art. 25 UDHR • Art. 11.1 ICESCR • Art. 17.1 ICCPR | <ul style="list-style-type: none"> • Rising land prices due to development, privatization, poor urban planning, gentrification; poor settle on land with low market value that are oftentimes polluted or in hazard-prone areas • Evictions in rural areas due to large-scale developments; infrastructure projects, extractive and industrial activities, and even armed conflict |
| Rights to Freedom of Opinion, Expression and Assembly | <ul style="list-style-type: none"> • Arts. 19 and 20, UDHR • Art. 19, 20, and 21, ICCPR • Art. 5 (d) (viii) and (ix), ICEAFRD | <ul style="list-style-type: none"> • Affects human rights defenders of land rights • Informal settlers or those victims of eviction are subjected to excessive use of force by police, or subjected to harassment • Criminalization of acts of protest or criticism of government or business • When urbanization results in smaller public spaces for assembly |
| Right to Freedom of Religion | <ul style="list-style-type: none"> • Art. 18, UDHR • Art. 18, 27 ICCPR • Art. 5 (d) (vii), ICEAFRD • Art. 14. CRC | <ul style="list-style-type: none"> • When religious sites are expropriated by the State • Mere limitation on the exercise of religion is a violation as when access to religious sites is limited or undermined due to conflict or development |
| Right to Life | <ul style="list-style-type: none"> • Art. 3, UDHR; • Article 6 (1) ICCPR | <ul style="list-style-type: none"> • When land is the source of subsistence and is unlawfully taken • When life is taken in defense of one's land or on behalf of others by human rights defenders • When eviction violates the dignity of one's life |
| Right to Property | <ul style="list-style-type: none"> • Art. 17 UDHR; • Art. 5 (d) (v) and (vi), ICEAFRD • Arts. 15 (2) and 16 (1) (c) and (h), CEDAW | <ul style="list-style-type: none"> • When right to property is interpreted to give preference to current property arrangements • Over-focus on individual titling without recognizing condition and needs of marginalized groups • Gender discrimination on right to own property |
| Right to Information | <ul style="list-style-type: none"> • Art. 19, UDHR • Art. 19 (2), ICCPR | <ul style="list-style-type: none"> • Marginalized stakeholders are left out of consultations or are not provided complete information on land deals, development projects or land reform; • Minority groups are not given information on land issues in a language they understand |

Common HRVs and offenses committed in relation to land rights

| Human rights violation | Offense under the Revised Penal Code | Remarks |
|---|---|--|
| Killings | Murder (Art. 248) | <ul style="list-style-type: none"> Take note of attendant circumstances under Art. 248 |
| | Homicide (Art. 249) | |
| Physical Harm/Harassment | Maltreatment of Prisoners (Art. 235) | <ul style="list-style-type: none"> Committed by public officer; See also Law on Torture |
| | Serious Physical Injuries (Art. 263) | <ul style="list-style-type: none"> Includes loss of body part, insanity, or incapacity for more than 90 days |
| | Less Serious Physical Injuries (Art. 265) | <ul style="list-style-type: none"> Victim should be incapacitated for labor for at least 10 days |
| | Slight Physical Injuries and Maltreatment (Art. 266) | <ul style="list-style-type: none"> Victim should be incapacitated for labor for less than 10 days |
| | Discharge of Firearm (Art. 254) | <ul style="list-style-type: none"> Not necessary that the victim suffers an injury |
| Detention/Illegal Arrest/Enforced Disappearance | Serious Illegal Detention (Art. 267) | <ul style="list-style-type: none"> Committed by private person Taken note of attendant circumstances in Art. 267 |
| | Slight Illegal Detention (Art. 268) | <ul style="list-style-type: none"> Committed by private person |
| | Unlawful Arrest (Art. 269) | <ul style="list-style-type: none"> Committed by any person |
| | Arbitrary Detention (Art. 124) | <ul style="list-style-type: none"> Committed by public officer |
| | Delay in the Delivery of Detained Persons to the Proper Judicial Authorities (Art. 125) | <ul style="list-style-type: none"> Committed by public officer |
| | Delaying Release (Art. 126) | <ul style="list-style-type: none"> Committed by public officer |
| Harassment/Criminalization/Red-tagging | Libel (Arts. 353 to 356) | <ul style="list-style-type: none"> May be used against red-taggers Take note of cyber-libel |
| | Slander/Slander by Deed (Arts. 358 and 359) | |

| Human rights violation | Offense under the Revised Penal Code | Remarks |
|--|--|--|
| Harassment/ Criminalization/Red-tagging | Incriminating an Innocent Person (Art. 363) | <ul style="list-style-type: none"> • Must be an imputation of a crime • Does not necessarily apply to red-tagging because being a member of the CPP is not a crime |
| | Intriguing Against Honor (Art. 364) | |
| | Unlawful Use of Means of Publication (Art. 154) | <ul style="list-style-type: none"> • Committed by any person • May be used against red-taggers |
| | Grave threats (Art. 282) | <ul style="list-style-type: none"> • Threat must constitute a crime • Threat covers family |
| | Light Threats (Art. 283) | <ul style="list-style-type: none"> • Threat does not constitute a crime |
| | Other Light Threats (Art. 285) | |
| | False Testimony Against a Defendant (Art. 180) | <ul style="list-style-type: none"> • Applies in criminal cases • Hence, case should have reached the trial stage in court |
| | False Testimony in Civil Cases (Art. 182) | |
| | False Testimony in Other Cases and Perjury in Solemn Affirmation (Art. 183) | <ul style="list-style-type: none"> • Applies to proceedings before administrative agencies • False statements in affidavits or other sworn documents may be prosecuted |
| | Usurpation of Official Functions (Art. 177) | |
| | Illegal Use of Uniforms or Insignia (Art. 179) | |
| | Tumults and Other Disturbances of Public Orders (Art. 153) | |
| | Alarms and Scandals (Art. 155) | |
| | Qualified Trespass to Dwelling (Art. 280) | <ul style="list-style-type: none"> • Committed by private person |
| | Violation of Domicile (Art. 128) | <ul style="list-style-type: none"> • Committed by public officer • May also be used in instances of eviction without the proper judicial warrant |
| Search Warrants Maliciously Obtained and Abuse in the Service of Those Legally Obtained (Art. 129) | <ul style="list-style-type: none"> • Committed by public officer • May also be used in instances of eviction without the proper judicial warrant or abuse in the service | |
| Searching Domicile Without Witnesses (Art. 130) | | |

| Human rights violation | Offense under the Revised Penal Code | Remarks |
|--|--|--|
| Harrasment/ Criminalization/Red-tagging | Prohibition, Interruption, and Dissolution of Peaceful Meetings (Art. 131) | |
| Eviction/Displacement | Grave Coercion | <ul style="list-style-type: none"> • May be applied in other instances when one is prevented from exercising a right or lawful activity |
| | Arson (Arts. 320 to 323) | <ul style="list-style-type: none"> • May also fall under harassment |
| | Crimes Involving Destruction (Art.324) | <ul style="list-style-type: none"> • May also fall under harassment |
| | Malicious Mischief (Art. 327) | <ul style="list-style-type: none"> • May also fall under harassment |
| | Other Mischiefs (Art. 329) | <ul style="list-style-type: none"> • May also fall under harassment |

Note:
HRVs may be punishable under other Special Penal Laws or penal provisions of laws implementing and protecting land rights. The foregoing is merely a list of possible offenses that have been committed in an HRV incident. It is best to consult with legal counsel for the preparation and filing of cases.

Chapter 2

Conducting interviews and gathering material evidence in monitoring land rights

This chapter provides guidelines in conducting interviews. It does not only deal with the questions that need to be asked, but also emphasizes preparation, tools, and the setting for the interview. Also, it discusses the importance of gathering documents relevant to the case or incident.

Monitoring covers the gathering of information about HRVs, which in this case are associated with land rights. It necessarily includes fact-finding or investigation and the methods of obtaining and evaluating information against human rights standards. Monitoring entails the conduct of interviews, inspection of sites, observation of processes (especially in government agencies), review of documents, photography and recording, or any combination of these methods. The analysis of data from monitoring activities defines future action by authorities or CSOs; thus, the importance of gathering updated, accurate, and complete information.

Evidence consists of anything and everything that can provide information about the subject of the monitoring activity. Evidence can be either physical, testimonial, or documentary. Thus, objects, observations, interviews and statements, documents and scientific analysis, court records, photographs and footage, and maps, could be relevant evidence in land rights monitoring. CSOs may also consult experts for gathering and assessing forensic evidence.

Conducting an interview

This section provides pointers on conducting interviews. Respondents' accounts are at the center of a monitoring activity, in addition to documents and direct observations made at the site where HRVs happened. Hence, interviewing is one of the most common methods of gathering information about HRVs.

Respondents to an interview may be victims, eyewitnesses, persons with knowledge of the facts, government and other officials, and even alleged perpetrators. They may include experts who could explain the worth of physical or documentary evidence; provide historical or anthropological perspectives; or psycho-social analyses.

An interview may be conducted to:

- gather information from the interviewee;
- respond to information from the interviewee;
- verify information that is already available;
- assess credibility of interviewee; and,
- provide the interviewee a venue to tell her/his story.

If done properly, an interview can provide accurate information about events, but if done otherwise, it may taint the entire monitoring activity. Thus, interviewers should never pay for a statement or interview, as there is a higher chance of people reporting fake violations in exchange for financial compensation. Even honest interviewees, if they received compensation, may be influenced to shift their narrative to what they perceive the interviewer would want to elicit. Similarly, interviewers should avoid raising false hopes and making promises that they cannot keep.

Box 5

Interviewing children

- Children are competent witnesses;
- Must obtain consent of parent/s, guardian, and child her/himself;
- Extra vulnerable due to ongoing physical and mental development;
- At risk to re-traumatization;
- May be interviewed only under exceptional circumstances;
- Information gathering is subject always to child's best interest;
- Interviewer should have background in stages of child development and special techniques in interviewing children;
- Children lack adult vocabulary to describe events;
- Younger children may confuse fantasy with reality;
- Children are easily swayed by suggestion and can easily be manipulated; and;
- Keep the interview short.

Sources: Uganda Human Rights Commission, Human Rights Investigators' Handbook, Chapter 6: Skills Dealing with Victims, Witnesses and Respondents (2014); UNHCHR, Manual on Human Rights Monitoring, Chapter 11: Interviewing; UNHCHR Department of Peace Operations, Manual on Investigative Interviewing for Criminal Investigation (2024), DPO 2024.01.

Preparing for an interview

Before the actual interview, the interviewer should prepare her/himself so that s/he may be able to cover as many issues and obtain as much information as possible. S/He should treat each interview as if it were the last.

The interviewer should take on the mindset that s/he has an obligation to preserve the life, physical and psychological safety, freedom and well-being of interviewees. For instance, if victims, witnesses or other sources do not want to be seen with members of the CSO, then they may be reached through trusted intermediaries.

Through physical preparation, the interviewer also shows respect to the interviewee. Thus, for example, it is important not to overlook one's attire and to dress appropriately – to reflect professionalism, and help build trust with those who may be vulnerable or have experienced trauma.

The interviewer must be mentally prepared for the interview. It starts with gathering as much available evidence and background information on the HRV incident or land conflict case. The interviewer must be familiar with the available information regarding the incident, the case, and the community. S/He should also assess the relevance and reliability of the available evidence and information prior to conducting an interview. From this, the interviewer can make a list of issues or gaps that may be filled by the information that is expected to be drawn from interviews.

By reviewing available information on a case or an HRV, interviewers are able to know who to interview. If there is limited information available, the interviewer may identify an interviewee who can provide facts, corroborate information, or establish responsibilities relating to the HRV or case. It might also help if the

Box 6

Interviewing women

- Role and status of women vary in each local culture or custom;
- Interviewer must be familiar with communication differences to assess whether interviewing a female witness would put her at risk;
- In certain local contexts, it may be better to ask to interview a female witness through trusted intermediaries; and,
- If there are too many barriers to interviewing women, an interviewer may need to settle for second-hand information relayed by a trusted intermediary.

Source: UNHCHR, *Manual on Human Rights Monitoring*, Chapter 11: Interviewing, p. 22.

interviewer learns the basic greetings and a few conversational sentences in the local language to build rapport with the interviewee.

The interviewee should be familiar with possible gender dynamics when selecting interviewees. As part of the preparations, interviewers should be mindful of local cultures and contexts. In some societies, women may be interviewed only in the presence of male family members. In other situations, women are sent by their husbands to represent them, as the husband is either busy or tired from farm work or hesitant to deal with other community issues outside of their work — here, women tend to be more vocal.

The interviewer should also be able to engage respectfully with interviewees of whatever sexual orientation, gender identity, religious belief, or cultural practices. These factors may affect the interviewee's willingness to respond to questions or how they relay their answers. The interviewer should ask if the interviewee prefers to be interviewed by an interviewer of the same or opposite sex, or in a different setting. These factors also affect the logistical preparation in that the proper facilities should be made available. Interviewers must be able to recognize and deal with diverse identities to create a safe space where interviewees feel encouraged to share accurate information, and misunderstandings are avoided.

The interviewer should be well-prepared for the interview in that s/he is able to imagine how to meet and greet the interviewee, how to handle the situation professionally, and how to best execute the interview plan. Proper planning allows the interviewer to react and respond professionally in situations when interviewees refuse to cooperate, choose to remain silent, or retract their previous statements.

When interviewing victims and witnesses, the interviewer must be aware and sensitive to the interviewee's mental disposition arising from her/his experience, and exhibit empathy and be extra careful not to cause re-traumatization. Re-traumatization may happen when the interviewee feels that the interviewer is just concerned about the information s/he offers. The interviewer must be aware of the specific implications of interviewing survivors of trauma and that psychological trauma and distress may have significantly affected the interviewee's memory and recollection. Even without experiencing trauma, interviewees may feel threatened by the interview itself and some may be concerned about retribution from the perpetrators, for which the interviewer must likewise be prepared.

The interviewer should be mindful that s/he is not trained to address the trauma. Thus, s/he should be ready to give a referral to support services that may be available. The interviewer should also be prepared to refer the interviewee to other groups or agencies with specific mandates to address her/his concerns.

Box 7

Interviewing public officials

- Interviews with public officials are normally not confidential in nature.
- However, the interviewer is obliged to respect the confidentiality of information relayed “off the record.”
- The interviewer should probe answers without being confrontational.
- The interviewer should not exhibit bias, skepticism or lack of trust.
- Relevant documents must be requested from the public official.
- The interviewer should be prepared for interviews to end abruptly; hence, key issues should be tackled immediately.

Source: UNHCHR, Manual on Human Rights Monitoring, Chapter 11: Interviewing

In scheduling an interview, the interviewer should choose a time and day that does not unduly inconvenience the interviewee. Interviewees may have work or household duties that only allow them a few hours and at specific times on particular days. Some interviewees may have religious beliefs and practices that limit their availability on certain days.

Included in the preparation is allotting a reasonable time for the interview. To determine this, it may be advisable to pilot test the questions. The interviewer should also confirm with the interviewee if s/he has sufficient time for the interview.

As a rule, video recorders should not be used to document the interview because they present the highest security risk to the interviewee. An audio recorder should only be used when circumstances call for it and only upon the interviewees' express consent, as their safety is compromised should the recordings be lost or confiscated. The interviewer should also be mindful that electronic devices generally have a chilling effect on the interviewee who is more comfortable when the interviewer documents the interview through handwritten notes.

Nevertheless, recordings, at the very least audio recordings, can protect the interviewer from false accusations.

What is the ideal setting for an interview?

The place and setting of the interview are crucial, since these show that the interviewee is treated with respect and dignity.

Box 8

Things the interviewer should bring

- Pens
- Paper
- Minimal cash for food and transportation
- Flashlight
- CSO calling card
- Water and light snacks
- First Aid Kit
- Hat
- Hand towel
- Recording device (may be replaced by a smartphone)
- Camera (may be replaced by a smartphone)
- Charger of battery pack or extra batteries

Sources: Consultation with KAISAHAN field staff (18 March 2025) and UNHCHR Department of Peace Operations, Manual on Investigative Interviewing for Criminal Investigation (2024), DPO 2024.01

The interview should be held at a place that will ensure confidentiality and security to both the interviewee and the interviewer. It should be conducted at a place that is conducive to conversation, where the interviewee can concentrate, and where the interview will not be interrupted. It is recommended that the interviewee be allowed to select the place and time for the interview.

However, the interviewer should make a separate assessment of the security and privacy of the location before agreeing on the venue.

The interviewer should suggest an alternative location if the interviewee chose a setting where privacy or security is not assured.

If no such place exists, then the interviewer should be ready to cancel the interview. Thus, the interviewer must find creative solutions especially in remote locations or under otherwise challenging circumstances in order for the interview to proceed.

Logistics such as basic human comforts in the form of comfortable seating arrangements, shade, no harsh lighting, and refreshments, provide a sense of well-being for the interviewee, which contributes to a productive interview. In lengthy interviews, the interviewer should be ready to provide food and drinks, as

well as access to restrooms. S/He should also cut the interview for reasonable breaks, especially when the interviewee requests it. The interviewer should also be prepared to have toys or activities on hand when the interviewee is constrained to bring small children to the interview.

During the interview, the interviewer should not sit directly opposite the interviewee to avoid continuous eye contact. Having continuous eye contact is uncomfortable and also affects concentration and mental focus (including the ability to recall information), for both the interviewee and the interviewer.

Box 9

Some safety precautions to take when planning to conduct an interview

- Clear any interview with the officers of the CSO;
- Coordinate with trusted intermediaries on the ground;
- Schedule the interview at a reasonable period after an incident or HRV;
- Arrange the interview at a safe place;
- Observe the *buddy system* when conducting an interview; and,
- When conducting interviews in a remote area or at the community, finish the interview within a reasonable time to allow the interviewer to return before sundown.

Source: Focus group discussion with KAISAHAN field staff (18 March 2025, ANGOC Office, Quezon City)

The interviewer should not hold open-access interviews. S/He should also be able to respectfully restrict the interview from inquisitive relatives or prevent onlookers from gathering within earshot of the interview. If the interviewee requests another person's presence to feel more comfortable, the interviewer should agree but explain that the person should remain silent and not disrupt the interview.

Conducting the interview

An interviewee must be competent, mentally fit, and accessible (or available). The interviewer should note if the interviewee is on medication or has a vision or hearing impairment since these may affect her/his recollection of what happened.

As a first step, the interviewer should introduce her/himself. The interviewer should provide a suitable environment that allows the interviewee to effectively recall and freely narrate her/his story with minimum interruption and through non-suggestive questions.

Rapport is the ability to relate to others to enable effective communication. It helps in conducting a fruitful interview through empathy because the interviewer actively seeks to understand what the interviewee is thinking and feeling.

Rapport-based interviewing is scientifically supported to be effective in drawing accurate and reliable information from the interviewee.

In starting the interview, the interviewer must advise the interviewee that all information relayed during the interview will remain confidential at all times. If an interviewee responds “off the record,” (usually if s/he is a public official), the interviewer should honor such confidentiality. S/He should also obtain the interviewee’s informed consent to use and/or share the information provided. During the interview, the interviewer should not refer to other sources and should keep their identities confidential.

The interviewer should also emphasize that the interview is voluntary and therefore, the interviewee is not obligated to answer any question that s/he is not comfortable with. In addition, the interviewer should ask about any safety

Box 10

What needs to be documented from an interview?

- Date and place of the interview;
- Name of the interviewer(s) and interpreter, if applicable;
- Other people present during the interview, if any;
- Type of interviewee (victim, witnesses, alleged perpetrator, local leader, member of local government unit, public officer in relevant government agency, etc.);
- Personal circumstances of the interviewee (name, sex, gender, age, nationality, ethnicity, contact details, and address, occupation);
- Affiliation or membership in any organization or group;
- Status (refugee, internally displaced person, person with disabilities, human rights defender);
- Informed consent given by the interviewee for the interview;
- Informed consent given by the interviewee to use and/or share her/his responses;
- Reliability and competence of the interviewee;
- Protection concerns;
- Involvement in the alleged violation;
- Alleged HRV;
- Land rights issue involved; and,
- Narrative of the facts by the interviewee.

Source: UNHCHR, Manual on Human Rights Monitoring, Chapter 11: Interviewing, p. 9.

Note: The next chapter covers report writing where the above information would be written down.

“Non-suggestive questioning – that is strategically planned – focuses the interview on the key matters under consideration and allows the interviewer to determine whether the information provided aligns with information previously collected.”

Source: UNHCHR Department of Peace Operations, Manual on Investigative Interviewing for Criminal Investigation (2024), DPO 2024.01, p. 14.

concerns that the interviewee may have, but s/he should not give any undue assurance regarding protection. If the interviewee does not wish to do the interview, or does not wish the information to be used and shared, then the interviewer should end the interview.

Interviewers should have an investigative mindset throughout the monitoring activity. This means that they keep an open mind and look for evidence even if it is different from their initial understanding of the incident or HRV. In short, they rid themselves of cognitive biases and other biases.

The interviewer may ask the same question in different forms so s/he can assess the credibility of an interviewee. S/He should ask precise questions at some point to test if the interviewee has direct knowledge of the incident or HRV. The interviewee can also gauge the information relayed by the interviewee against what is already known or what is in the case file. It is also crucial to elicit from the interviewee other persons who may have witnessed the incident or HRV. The following is an example of rephrased questions which can elicit the same or overlapping information:

| Primary Question | Alternatives |
|--|--|
| What is the status of your case before the DARAB in order to be installed on the land as an ARB? | <p>When was the last time you spoke to your lawyer regarding your DARAB case?</p> <p>Do you have a copy of the latest order or decision from DARAB?</p> <p>What has the landowner done in response to your DARAB case?</p> |

The interviewer can use standardized forms as a guide in documenting HRVs from the interview, but this should not replace the interview. S/He may also make use of pictures, maps, or props to help the interviewee express or relay the information s/he holds. The interviewee should be careful that these objects in no way suggest answers to the interviewee. The interviewer should also allow the interviewee to draw or sketch to illustrate her/his account of the incident or HRV.

Table 2

Biases to avoid during the interview

| Cognitive biases | Example |
|---|---|
| The primacy effect: The tendency to remember or give more weight to the first information received, rather than to information later obtained. | When the account of the first witness regarding technical matters is given more weight and importance than the later opinion of an expert on the matter |
| Belief persistence: A formed belief or opinion is very resistant to change, even when there is compelling evidence that it is wrong. | When an interviewer links an HRV to an existing land conflict case even though it appears to be an independent and isolated incident committed by a third person not involved in the land conflict |
| Confirmation bias: The tendency to seek evidence that supports the interviewer's hypothesis, ignores contradictory information, and even accepts ambiguous information as supportive of the interviewer's opinion. | When an interviewer asks questions about pollution and waste coming from a mining company, yet ignores a waste-producing manufacturing plant that also operates in the same area |
| Other interview biases | Example |
| Stereotyping: Simplistic generalization, often exaggerated and negative, about the qualities and capabilities of people belonging to a certain group or class | When an interviewer ignores the technical account of a farmer on the basis of the farmer's limited elementary education |
| Negative emphasis: Tendency to focus more on negative information than positive ones | When an interviewer focuses on festering issues in a land conflict case, but does not take account of issues that have already been resolved between the rights holder and a duty-bearer |
| Halo/Horn effect: A positive or negative general evaluation of a person on a specific area that influences other areas | Because a parish priest is seen as a respected figure, an interviewer may accept his secondary account without probing for inconsistencies, even when it contradicts the direct testimony of an eyewitness |
| Cultural noise: The misinterpretation or distortion of information due to differences in culture between the interviewer and interviewee. The interviewer tends to filter what is conveyed through his/her own cultural norms and values, leading to misunderstanding. | An interviewee avoids direct eye contact out of respect, but the investigator mistakenly may see this as evasiveness or dishonesty. |
| Non-verbal bias: positive or negative evaluation influenced by a person's body language, personal appearance, or mode of dress. | When an interviewer gives more weight to the account of an office worker than to the response of a farmer who was interviewed after coming from the fields - based on their appearances and ability to communicate. |

| Other interview biases | Example |
|---|--|
| Contrast effect: Tendency to evaluate the person against another rather than his/her statement | The account of a person who speaks the local language more fluently is taken at face value compared to the one who has less command of the language. |
| “Similar to me” error: Tendency to favorably judge a person similar to oneself | The interviewer does not verify the account of a person who studied in the same school as s/he did. |

The interviewer should start by asking open-ended questions. These pertain to the five “Ws” and an “H,” namely who, what, where, when, why, and how. They can also be in the form of T.E.D. questions that start with “Tell,” “Explain,” or “Describe.” The interviewer should allow the interviewee to tell their story in their own words. The interviewer should be patient and listen to the narrative even when it becomes circular and repetitive or not chronological or even when it becomes illogical or contradictory. The interviewer should neither agree nor disagree nor even argue with the interviewee.

Box 11

Questions in an interview

Open-ended question: This question allows the interviewee to narrate her/his story without being restricted, led, or prompted by the question itself.

Specific-closed question: This type of question is also non-suggestive and non-leading, but is different from an open-ended question, as it seeks to clarify what the interviewee has said.

Focused-choice questions: This question type is not preferred, but may be used to facilitate the interview by providing proposed alternatives from which the interviewee may choose.

The most important aspect is that the interviewer listens to the interviewee and her/his responses. While the interviewer is cautioned to not express empathy, s/he should understand that in cases where victims or traumatized witnesses are being interviewed, they may have been feeling neglected or marginalized. They may also have been subjected to stigma and isolation from the community. Hence, they may have been looking for someone to hear their story, and the interview may be the first opportunity for them to do so.

The interviewer should also start with non-controversial and non-sensitive questions before asking about more sensitive issues. If an issue is too delicate or sensitive for the interviewee, the interviewer must move on and delicately ask it

later on if possible. An interview is not a cross-examination, and the interviewer should not push the interviewee if an issue is too sensitive.

If the interviewer is suspicious of a response, s/he should rephrase the question so the interviewee may be able to clarify her/his answer. For inconsistent answers, the interviewee should probe to resolve the inconsistency since witnesses commonly fail to remember exact dates, times, and other measures. The questions relating to date may even be framed in terms of months or traditional and annual events like harvests or *fiestas* to aid the interviewee in recalling events.

While listening to the interviewee's story, the interviewer should be mindful not to inadvertently use verbal or visual cues or feedback, facial expression, and sounds or actions that may be interpreted as either judging, agreeing, or disagreeing with the story or response. The interviewer should also be aware that the interviewee is also assessing the interviewer's communication and should control her/himself. Relatedly, the interviewer should also be mindful of her/his own emotions and feelings and how to limit these in a way that does not disrupt the interview.

Similarly, the interviewer should realize that silence or a long pause by the interviewee is positive, and should not be interrupted. Instead, the interviewer should allow the interviewee to think, reflect, and concentrate or allow the interviewee to deal with her/his emotions. At this point, the interviewer may choose to pause the interview or take a break. The interviewer should also understand that the interviewee's nervousness does not necessarily point to dishonesty, but may be due to her/his culture.

Questions should be short and simple. However, limit the use of yes or no questions. They should be open-ended, non-leading, and non-inflammatory. Questions should be understanding in tone and not judgmental nor aggressive. Use familiar and ordinary language and not slang or lingo. Avoid double negative questions. Do not ask irrelevant questions.

The interviewer may ask the following questions to fill the narrative of the incident or HRV:



- When did it happen?
- What time of the day did it happen?
- How did it happen?
- How long has it been happening?
- Who was involved in the incident?
- How many were involved in the incident?
- Who saw what happened?
- What damages or injuries were caused by the incident?
- Who is the perpetrator behind the incident?
- Describe the perpetrator if you can.

However, to achieve the purposes of the monitoring activity, the interviewer may bear in mind the following questions, especially when the interviewee is neither a victim nor a witness to an HRV, but a government or local official, priest, or member of another CSO:

- What are the nature and extent of the human rights abuses?
- What are the causes and risk factors that contribute to or exacerbate the HRV?
- What are the consequences that result from the HRV?
- What are existing structural issues, such as the laws or systems that allow the HRVs to persist?
- What needs to be fixed about the laws, such as vague language or how government actors interpret these uncertainties in practice?
- How are flaws in the law or policy played out in practice?
- What are the available data related to a particular issue?
- What efforts do NGOs and other advocates undertake to respond to the HRVs?
- What are the interviewee's views about public perceptions, victim needs, and recommendations for change?

The interviewer should ask more specific questions to fill gaps and obtain more details or resolve inconsistencies. It is advisable to summarize a portion of the interviewee's narrative or response.

The interviewer should also know when to stop even if s/he has not asked all her/his questions. If the interviewer begins to lose control of the interview, s/he may stop and restart after regaining control or set another session.

Closing the Interview

At the end of the interview, the interviewer should ask the interviewee if s/he has any questions, concerns, or additional information that has not yet been discussed. The interviewer should also refer the interviewee to other CSOs that may be able to assist with specific concerns. It is important to assure the interviewee of the confidentiality of their interview. Any safety or protection concerns should be openly discussed, and a means of future communication should be established so that both parties can reach each other if needed. If necessary, a follow-up interview should be arranged.

Dealing with inconsistent answers

The CSO is responsible for verifying the accuracy of its data in land rights monitoring. The interviewer is tasked to gather information that should not be influenced by her/his personal opinions, beliefs, or attitudes. Interviewers should not negate interviewee's answers just because of incomplete and inaccurate accounts, even when they appear to be untruthful.

Box 12

Evaluating the interview

- Check whether the objective/s of the interview was/were achieved;
- Identify potential risks to the interviewee/s;
- Assess if the monitoring methodology used is effective in light of the information gathered from the interview; and,
- Review the transcript or notes and recommend improvements that may be applied to subsequent interviews.

Source: UNHCHR Department of Peace Operations, Manual on Investigative Interviewing for Criminal Investigation (2024), DPO 2024.01, p. 43.

Interviewers should understand that victims and witnesses may withhold information for various reasons. The interview's purpose is to maintain dialogue to gain information in line with land rights monitoring. The interviewer must pursue the facts and as a monitor, reduce questions on the accuracy of the information. In any event, if the accounts of many witnesses are consistent with each other, an accurate storyline may become apparent.

Thus, the interviewer or the CSO must check any discrepancies between the interviewee's narrative and other evidence. Nevertheless, it is not up to the interviewer to solve this discrepancy as s/he is tasked to identify the discrepancy, investigate it further, and document it if the conflict remains.

Those dealing with trauma may have trouble remembering everything or may be unable to recall certain incidents or coherently express themselves. Thus, CSOs must not immediately conclude that a person's interview is not reliable nor credible because of inconsistencies or a lack of assertiveness. However, they should immediately strike out unsupported evidence, in particular rumors, gossip, and baseless opinions.

Though the emphasis above is on one-on-one interviews, there are other means of drawing information from the community. These can be in the form of focus group discussions (FGDs), town hall fora, community meetings, and other group discussions. They create different environments for the community to produce information that would not be readily available in individual interviews.

The interviewer can also observe community norms and values, customs, dynamics, and hierarchies, as well as other issues, in such group settings. However, the interviewer should assess whether a group setting would be effective in eliciting the desired information.

Box 13

Validating the answers in an interview

- Cross-check facts with other interviews and resources like photographs, videos, or records of relevant events;
- If official issuances were cited, secure copies of laws, ordinances, orders, etc.;
- Check consistency with answers to rephrased questions and in the follow-up interview;
- Review narration if a logical sequence is presented; and,
- Assess the conduct of the interview, whether the existence or presence of certain factors influenced the answers.

Sources: UNHCHR, Manual on Human Rights Monitoring, Chapter 11: Interviewing, p. 18; UNHCHR, Manual on Human Rights Monitoring, Chapter 13: Human Rights Reporting, p. 9; Uganda Human Rights Commission, Human Rights Investigators' Handbook (2014), p. 28, 47; The Advocates for Human Rights. A Practitioner's Guide to Human Rights Monitoring, Documentation, and Advocacy. The Advocates for Human Rights, Minneapolis, MN (2011), p. 58, 69-70

Returning for more questions

Several factors may require an interviewer to conduct additional interviews with the same person. For one, there could be time constraints. In addition, victims and witnesses may have a better recollection of events after the lapse of a reasonable period. In the same vein, a series of interviews may be necessary for the interviewer to establish a better rapport with victims or witnesses.

The interviewer may also have a more insightful interview after the initial one and a follow-up interview also allows her/him to verify facts against information from other sources. In some cases, the interviewee may have promised to give documentary or other additional material information and thus, the interviewer needs to return.

Gathering material evidence

Oral accounts are not always available, as victims or witnesses are not always willing to be interviewed. Hence, there are instances when physical evidence is the only indication of an HRV. It can also be used to verify inconsistent or implausible accounts by an interviewee or even by authorities. Hence, physical evidence is also important.

Interviewers and fact finders should inspect the sites and take photographs or map out the location of the incident or HRV. Inspection also allows the interviewer to corroborate what is relayed to her/him during interviews.

The interviewer should not forget to ask if the interviewee is in possession of documents or objects that s/he mentions or proves her/his

“It is impossible to commit a wrongdoing and leave no trace of evidence.”

statement. The interviewee can make copies or take photographs, which is more convenient with smartphones. The interviewer should also transcribe or process their interview notes as soon as possible to promote accuracy which would also serve as documentary evidence.

Documentary evidence may come in the form of laws, regulations, or other government documents; land titles, court and administrative agencies’ decisions, letters; transcripts; court, police, and prison records; videos and photographs; medical records; and, forensic evidence. The monitoring file may also include documents like news reports, books, articles, and other written resource materials. The CSO should note the credibility or reliability of these sources. It is advisable to secure certified true copies. It should also assess whether it is accurate and complete.

Box 14

Official case records provide the monitoring CSO:

- Insight into whether the administrative agency understands its mandate and the law;
- Proof of misperceptions perpetuated by government agencies;
- Analysis of patterns of commonly committed HRVs;
- Data on remedies taken by victims; and,
- Number of successful reliefs granted to victims.

Source: The Advocates for Human Rights. A Practitioner’s Guide to Human Rights Monitoring, Documentation, and Advocacy. The Advocates for Human Rights, Minneapolis, MN (2011), p. 56.

Scope and limitations of fact-finding or investigation

Note that this manual is mainly for use by CSOs. It is assumed that the capacity of CSOs for fact-finding and investigation are limited either by resources or by safety issues. Thus, forensic evidence is not contemplated in the gathering of evidence. Such evidence may be obtained from authorities.

The foregoing was written in the context of fact-finding or investigation for monitoring land conflict cases and HRVs. In light of rules or procedure and evidence observed by courts and administrative bodies, interviews and their transcripts are not necessarily admissible in court or quasi-judicial proceedings.

For one, witnesses need to testify under oath and be cross-examined for their testimonies to be admissible. The interviewer should realize that not all interviewees may be witnesses in court nor may be willing to testify in court.

Nevertheless, such limitations do not reduce the value of interviewing and gathering of evidence. There is valuable information that may be gathered in the process – including leads that point to other witnesses or documentary evidence that prove certain facts. Moreover, relief or remedies in land conflict cases do not only come from judicial and quasi-judicial bodies. For instance, international human rights bodies usually have less stringent rules on evidence in documenting human rights issues to exert pressure on duty-bearers.

Interview guides

To apply the principles above on gathering information, this manual provides the user with interview guides for gathering information. There are three different sets of guide questions that were developed with different interviewees in mind. They are designed to investigate particular situations where the starting point may be an HRV incident that may be linked to a land conflict. The starting point may also be an existing land conflict case where the purpose is to document current events linked to the case; new or emerging land conflicts that affect the community; or opinions by technical experts or knowledgeable persons on subject matters related to the land conflict.

The following are three sets of guide questions, each pertaining to the applicable interview:

SET A: To investigate incidents of HRVs

Use this guide for an incident of HRV where the link to a land conflict case has not been established or is unknown. The HRV may be the first known marker of an undocumented land conflict case. If there is an existing land conflict case, the HRV incident needs to be linked to the case, as it may be a separate and independent event.

SET B: To gather information on land and resource conflict cases, including incidents of HRV that may be related to the case/s

Use this guide to update existing files of land conflict cases. They may be used to document the status of the land conflict case, especially if there are recent events that affect the case whether positively or negatively affecting the situation.

SET C: To gather information and views from subject matter experts

Use this guide when interviewing subject matter experts. Subject matter experts may be knowledgeable people in disciplines such as engineering, agriculture, law, medicine, sociology, or psychology. Besides those having technical expertise, subject matter experts may include persons with extensive knowledge and experience in areas related to the land conflict.

The questions are only **guides** for the interviewer and should not be considered as exhaustive checklists. The interviewer should feel free to adapt, expand, or add her/his own set of questions to this list – to suit the context and to deepen the inquiry. ■

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Annex 2.1

Interview guide for an incident of human rights violation

Use this guide for an incident of human rights violation where the **link to a land conflict case has not been established or is unknown**. The HRV may be the first known marker of an undocumented land conflict case. If there is an existing land conflict case, the HRV incident needs to be linked to the case, as it may be a separate and independent event.

REMINDERS

| |
|--|
| Preliminaries |
| 1. Greet and establish rapport with the interviewee, particularly if s/he is a victim or a witness to an incident of HRV. |
| Pre-interview consent |
| 1. Responses to the interview by victims or witnesses are by default confidential in nature. Hence, it is necessary to explain to them and obtain their consent when relevant information may be shared with members of the CSO or authorities. 2. There is no presumption of confidentiality when interviewing law enforcement and government representatives or other persons. However, when they qualify their response as “off the record,” this should be respected. |
| On the Questions |
| 1. The questions are only guides for the interviewer and serve to remind the interviewer of key information that should be gathered from the interview. 2. The interviewer should feel free to adapt, expand or add her/his own set of questions to this list - to suit the context and to deepen the inquiry. 3. The interviewer should allow the interviewee to narrate her/his account of the incident or event. 4. The interviewer should not use each guide question when doing so would interrupt the interviewee. |

| | | | |
|--------------------|-------|-------|--------|
| Date of Interview: | Time: | AM/PM | Place: |
|--------------------|-------|-------|--------|

| |
|--------------------------------|
| Interviewer information |
| Name of interviewer: |
| Organization: |

Does your organization maintain a file pertaining to the community or person that may be involved in the incident or conflict?

Yes

Please write **existing** case name or file reference

No

Please write **new** case name or file reference

Interviewee/s is/are: (please check)

Victim or affected party

Witness

Police or Investigator (Indicate agency: _____)

Government Agency Representative (Indicate agency: _____
_____)

Others: _____

Interviewee's Name or Alias:

Address:

Tel:

Email:

Social Media Contact:

Sex: M/F/PNS*

Age:

Civil Status:

Gender:

PWD: Yes/No

No. of Children, if any:

Nationality:

Ethnic Group:

Religion:

Education:

None

Senior High School

Post-Graduate/Masters

Elementary

Vocational

Doctorate

High School

College

* PNS - prefer not to specify

| | |
|---|-------------------|
| Occupation or Livelihood: | Employer, if any: |
| Available Government-issued identification document (name of document, date of expiry): | |

| | |
|--------------------------------------|------------------|
| For respondents that are PWD: | |
| Type of disability: | |
| Name of accompanying person, if any: | |
| Relation to interviewee: | Contact details: |

| |
|----------------------------------|
| Remarks and observations: |
|----------------------------------|

Guide questions relating to an incident

| <i>What do we need to know</i> | <i>Suggested questions to ask</i> |
|---|---|
| What happened? (Ask respondent to narrate events) | <ul style="list-style-type: none"> • What did you see? • When did it happen? • Did it coincide with an event or gathering? • Where did it happen? • Where were you when it happened? |
| Who were involved? | <ul style="list-style-type: none"> • Who were injured, or affected, if any? • Was there damage to property (crops, tools, shelter)? • Do you know the perpetrators? Can you describe the perpetrators? • Do the victims and perpetrators know each other? |
| Background/Context | <ul style="list-style-type: none"> • Were there previous events that led to this incident? • (In your view) what are the probable motives/drivers behind the incident? Why do you say so? • Has this been reported to authorities? To whom? When? Explain. • What is the status of the investigation? Are there results? (<i>Note: Obtain copy of the document</i>) |
| Possible link to a land conflict case | <ul style="list-style-type: none"> • Have there been previous incidents of HRVs in the community? Were these similar to the recent incident? • Did the previous incidents target the same victim/s and/or community? In your opinion, why? • What is/are the occupation of the victim/s? • Are the victims members of an organization? What are the activities and advocacies of the organization? • Are the victims or community involved in any cases pending before courts or administrative agencies? What is the subject matter of the case? • Is there a recent development that affects or could affect the victim/s and/or community's livelihood, land tenure, and/or environment? • What action/s have the victim/s and/or community taken to address the development? |

- End of interview -

| | |
|-------------------------|--------------|
| Time ended: _____ AM/PM | Interviewer: |
| | Documentor: |
| | Encoder: |

| |
|---|
| Need for follow-up interview? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Reason for follow-up interview: <input type="checkbox"/> Insufficient time for interview <input type="checkbox"/> Security/safety concerns <input type="checkbox"/> Need to verify facts <input type="checkbox"/> Interviewee will bring documents or evidence <input type="checkbox"/> Other reason/s _____ |
| Schedule (date) of follow-up interview: |

Interview guide for a land conflict case

Use this guide **to update existing files of land conflict cases**. It may be used to document the status of the land conflict case, especially if there are recent events that affect the case, whether positively or negatively affecting the situation. This may also be used **to document HRVs related to the land conflict case or unrelated land conflict cases affecting the same community**.

REMINDERS

| | | | |
|---|-------|-------|--------|
| Preliminaries | | | |
| 1. Greet and establish rapport with the interviewee, particularly if s/he is a victim or a witness to an incident of HRV. | | | |
| Pre-interview consent | | | |
| 1. Responses to the interview by victims or witnesses are by default confidential in nature. Hence, it is necessary to explain to them and obtain their consent when relevant information may be shared with members of the CSO or authorities. | | | |
| 2. There is no presumption of confidentiality when interviewing law enforcement and government representatives or other persons. However, when they qualify their response as “off the record,” this should be respected. | | | |
| On the Questions | | | |
| 1. The questions are only guides for the interviewer and serve to remind the interviewer of key information that should be gathered from the interview. | | | |
| 2. The interviewer should feel free to adapt, expand or add her/his own set of questions to this list - to suit the context and to deepen the inquiry. | | | |
| 3. The interviewer should allow the interviewee to narrate her/his account of the incident or event. | | | |
| 4. The interviewer should not use each guide question when doing so would interrupt the interviewee. | | | |
| Date of Interview: | Time: | AM/PM | Place: |
| Interviewer information | | | |
| Name of interviewer: | | | |
| Organization: | | | |

Does your organization maintain a file pertaining to the community or person that may be involved in the incident or conflict?

Yes

Please write **existing** case name or file reference

No

Please write **new** case name or file reference

Interviewee/s is/are: (please check)

Victim or affected party

Witness

Police or Investigator (Indicate agency: _____)

Government Agency Representative (Indicate agency: _____
_____)

Others: _____

Interviewee's Name or Alias:

Address:

Tel:

Email:

Social Media Contact:

Sex: M/F/PNS*

Age:

Civil Status:

Gender:

PWD: Yes/No

No. of Children, if any:

Nationality:

Ethnic Group:

Religion:

Education:

None

Senior High School

Post-Graduate/Masters

Elementary

Vocational

Doctorate

High School

College

* PNS - prefer not to specify

| | |
|---|-------------------|
| Occupation or Livelihood: | Employer, if any: |
| Available Government-issued identification document (name of document, date of expiry): | |

| | |
|--------------------------------------|------------------|
| For respondents that are PWD: | |
| Type of disability: | |
| Name of accompanying person, if any: | |
| Relation to interviewee: | Contact details: |

| |
|----------------------------------|
| Remarks and observations: |
|----------------------------------|

Guide questions relating to a land conflict case

A. For initial documentation of a land conflict case

| What do we need to know | Suggested questions to ask |
|--|---|
| About the conflict | <ul style="list-style-type: none"> • Are you experiencing any conflict at the moment? • What are the issues confronting you? • Are these issues related to your community's land? • How did the conflict arise, and how did the issues develop? • What are the developments or events in your locality/community/province that have affected your land? • What are the effects of these developments on your land and/or livelihood? <hr/> <ul style="list-style-type: none"> • Who are the entities (private individuals, businesses, government agencies) involved in these developments or events? • What is the government policy that allows these developments or events to happen? • What response or action have you done in relation to the development or event? |
| Elements of land conflict that help identify the drivers and underlying conditions of the conflict | <ul style="list-style-type: none"> • What is the specific land being contested? Has the area involved in land conflict become larger? • Who are the persons/families affected by the conflict? Has the number of persons and households affected by land conflict decreased or increased? • Are there new personalities who are involved in the land conflict case/s? How do they affect the land case? • Are there ongoing activities being done by the community, government, or another party to alleviate or stop the land conflict? Elaborate. • Were there any issues within the land conflict case that were resolved? • How were they resolved? |

B. To update existing land conflict case file

| <i>What do we need to know</i> | <i>Suggested questions to ask</i> |
|--|---|
| Status of the existing land conflict | <ul style="list-style-type: none"> • What is the status of the existing land conflict that the community is facing? • What are the actions taken by the community to address the conflict? • What were the results of these actions? • Have the authorities responded to the case? What were the results? • Have there been new policies, decisions, or actions taken by the government that affect the community or the land case? • Are there recent events or changes that affect the community's land rights? |
| Elements of land conflict that help identify the drivers and underlying conditions of the conflict | <ul style="list-style-type: none"> • What is the specific land being contested? Has the area involved in land conflict become larger? • Who are the persons/families affected by the conflict? Has the number of persons and households affected by land conflict decreased or increased? • Are there new personalities who are involved in the land conflict case/s? How do they affect the land case? • Are there ongoing activities being done by the community, government, or another party to alleviate or stop the land conflict? Elaborate. • Were there any issues within the land conflict case that were resolved? • How were they resolved? |

C. Guide questions relating to an incident

| <i>What do we need to know</i> | <i>Suggested questions to ask</i> |
|---|---|
| What happened? (Ask respondent to narrate events) | <ul style="list-style-type: none"> • What did you see? • When did it happen? • Did it coincide with an event or gathering? • Where did it happen? • Where were you when it happened? |

| <i>What do we need to know</i> | <i>Suggested questions to ask</i> |
|---------------------------------------|---|
| Who were involved? | <ul style="list-style-type: none"> • Who were injured, or affected, if any? • Was there damage to property (crops, tools, shelter)? • Do you know the perpetrators? Can you describe the perpetrators? • Do the victims and perpetrators know each other? |
| Background/Context | <ul style="list-style-type: none"> • Were there previous events that led to this incident? • (In your view) what are the probable motives/drivers behind the incident? Why do you say so? • Has this been reported to authorities? To whom? When? Explain. • What is the status of the investigation? Are there results? <i>(Note: Obtain a copy of the document)</i> |
| Possible link to a land conflict case | <ul style="list-style-type: none"> • Have there been previous incidents of HRVs in the community? Were these similar to the recent incident? • Did the previous incidents target the same victim/s and/or community? In your opinion, why? • What is/are the occupation of the victim/s? • Are the victims members of an organization? What are the activities and advocacies of the organization? • Are the victims or community involved in any cases pending before courts or administrative agencies? What is the subject matter of the case? • Is there a recent development that affects or could affect the victim/s and/or community's livelihood, land tenure, and/or environment? • What action/s have the victim/s and/or community taken to address the development? |

- End of interview -

| | |
|-------------------------|--------------|
| Time ended: _____ AM/PM | Interviewer: |
| | Documentor: |
| | Encoder: |

| |
|---|
| Need for follow-up interview? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Reason for follow-up interview: <input type="checkbox"/> Insufficient time for interview <input type="checkbox"/> Security/safety concerns <input type="checkbox"/> Need to verify facts <input type="checkbox"/> Interviewee will bring documents or evidence <input type="checkbox"/> Other reason/s _____ |
| Schedule (date) of follow-up interview: |

Annex 2.3

Interview guide for subject matter experts

This set of questions is designed for subject matter experts who may have direct knowledge, an analysis or opinion on matters affecting a land conflict case.

Use this guide when interviewing subject matter experts. Subject matter experts may be knowledgeable people on disciplines such as engineering, agriculture, law, medicine, sociology or psychology, etc. Besides those having technical expertise, subject matter experts may include persons with extensive knowledge and experience on areas related to the land conflict.

REMINDERS

| |
|--|
| Preliminaries |
| 1. Greet and establish rapport with the interviewee, particularly if s/he is a victim or a witness to an incident of HRV. |
| Pre-interview consent |
| 1. Responses to the interview by victims or witnesses are by default confidential in nature. Hence, it is necessary to explain to them and obtain their consent when relevant information may be shared with members of the CSO or authorities. 2. There is no presumption of confidentiality when interviewing law enforcement and government representatives or other persons. However, when they qualify their response as “off the record,” this should be respected. |
| On the Questions |
| 1. The questions are only guides for the interviewer and serve to remind the interviewer of key information that should be gathered from the interview. 2. The interviewer should feel free to adapt, expand or add her/his own set of questions to this list - to suit the context and to deepen the inquiry. 3. The interviewer should allow the interviewee to narrate her/his account of the incident or event. 4. The interviewer should not use each guide question when doing so would interrupt the interviewee. |

| | | | |
|--------------------|-------|-------|--------|
| Date of Interview: | Time: | AM/PM | Place: |
|--------------------|-------|-------|--------|

| |
|--------------------------------|
| Interviewer information |
| Name of interviewer: |
| Organization: |

Does your organization maintain a file pertaining to the community or person that may be involved in the incident or conflict?

Yes

Please write **existing** case name or file reference

No

Please write **new** case name or file reference

Interviewee/s is/are: (please check)

Victim or affected party

Witness

Police or Investigator (Indicate agency: _____)

Government Agency Representative (Indicate agency: _____
_____)

Others: _____

Interviewee's Name or Alias:

Address:

Tel:

Email:

Social Media Contact:

Sex: M/F/PNS*

Age:

Civil Status:

Gender:

PWD: Yes/No

No. of Children, if any:

Nationality:

Ethnic Group:

Religion:

Education:

None

Senior High School

Post-Graduate/Masters

Elementary

Vocational

Doctorate

High School

College

* PNS - prefer not to specify

| | |
|---|-------------------|
| Occupation or Livelihood: | Employer, if any: |
| Available Government-issued identification document (name of document, date of expiry): | |

| | |
|--------------------------------------|------------------|
| For respondents that are PWD: | |
| Type of disability: | |
| Name of accompanying person, if any: | |
| Relation to interviewee: | Contact details: |

| |
|----------------------------------|
| Remarks and observations: |
|----------------------------------|

Guide questions for subject matter experts

| <i>What do we need to know</i> | <i>Suggested questions to ask</i> |
|--|--|
| Information from subject matter experts who may have knowledge or experience on the case | <ul style="list-style-type: none"> • Are you familiar with the land conflict that affects the community/ies? • What is your assessment? |
| Information from people with specific areas of expertise (technical, legal, etc.) | <ul style="list-style-type: none"> • Have you conducted an analysis or evaluation of the land conflict based on your expertise? • What are your findings? • Have you previously encountered a similar situation in your work? • What are your assessments and recommendations? Concrete steps to take? |

- End of interview -

| | |
|-------------------------|--------------|
| Time ended: _____ AM/PM | Interviewer: |
| | Documentor: |
| | Encoder: |

| |
|---|
| Need for follow-up interview? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Reason for follow-up interview: <input type="checkbox"/> Insufficient time for interview <input type="checkbox"/> Security/safety concerns <input type="checkbox"/> Need to verify facts <input type="checkbox"/> Interviewee will bring documents or evidence <input type="checkbox"/> Other reason/s _____ |
| Schedule (date) of follow-up interview: |

Annex 2.4

Gabay sa panayam ukol sa pangyayari ng paglabag sa karapatang pantao

Ang gabay na ito ay para sa pagtatala ng paglabag sa karapatang pantao (human rights violation o HRV), kung saan ang kaugnayan nito (HRV incident) sa tunggalian/away sa lupa ay hindi pa tukoy (o “established”).

Ang insidente ng HRV ay maaaring unang palatandaan ng hindi pa nadokumentong tunggalian/away sa lupa. Kung may nagaganap na tunggalian/away sa lupa, kailangang iugnay ito (away sa lupa) sa insidente ng HRV dahil maaari din itong (away sa lupa) maging hiwalay na pangyayari o isyu.

*Tandaan rin na ang lahat ng nakasulat dito ay **gabay** lamang. Hindi kailangang itanong ang lahat ng gabay na tanong, at hindi rin kailangan sundin ang pagkakasunod-sunod ng mga tanong sa panayam. Maaari din kayong magdagdag pa ng katanungan na makakatulong sa paglalahad ng pangyayari.*

Nasa inyong pagtatasa ang pagtukoy kung alin sa mga tanong ang makapagpapalabas ng tama, malinaw at kumpletong dokumentasyon ng insidente o karanasan ng taong kapanayam at ng kanyang komunidad. Iminumungkahi rin sa interviewer na magsagawa ng masusing paghahanda bago gawin ang panayam.

PAALALA

Hingin ang pahintulot ng kausap tungkol sa mga sumusunod:

1. Sa pagkuha at pagtala ng kanyang personal at/o kumpidensyal na impormasyon;
2. Sa pagbabahagi ng kanyang mga sagot sa ibang mga Civil Society Organizations (CSOs);
3. Sa pagbabahagi ng kanyang mga sagot sa ibang tao/grupo na hindi bahagi ng CSO (tulad ng ahensya ng gobyerno, academe, etc).
4. Alamin din mula sa kausap kung kanino niya/nila ayaw maibahagi ang kanyang/kanilang impormasyon.

| | | | |
|-------------------|-------|-------|--------|
| Petsa ng panayam: | Oras: | AM/PM | Lugar: |
|-------------------|-------|-------|--------|

Impormasyon tungkol sa interviewer

Pangalan:

Organisasyon:

May tala o file ba kayo (miyembro o organisasyon) tungkol sa komunidad o taong maaaring sangkot sa insidente o tunggalian/away?

Oo

Pakisulat ang pangalan ng kaso at/o reference file number nito

Wala

Pakilagyan ang pangalan ng case file at/o reference number ng bagong kasong ito

Impormasyon tungkol sa iniinterbyu (interviewee)

Biktima o apektadong partido

Saksi (witness)

Pulis o Imbestigador (pakisulat ang ahensiya: _____
_____)

Government Agency Representative (pakisulat ang ahensiya: _____
_____)

Iba pa: _____

Pangalan (o alyas/palayaw ng iniinterbyu):

Tirahan:

Telepono/cellphone:

Email:

Social Media Contact:

Kasarian: M/F/PNS*

Edad:

Katayuang Sibil:

Nasyonalidad:

Relihiyon:

Bilang ng anak:

Kabilang ba siya/sila sa grupo ng Katutubo?:

Oo Pangalan ng grupo: _____

Hindi

* PNS - prefer not to specify

| | |
|--|--------------------------|
| PWD?: | |
| <input type="checkbox"/> Oo Uri ng kapansanan: _____ <input type="checkbox"/> Hindi | |
| Antas ng pinag-aralan: <input type="checkbox"/> Wala <input type="checkbox"/> Senior High School <input type="checkbox"/> Post-Graduate/Masters <input type="checkbox"/> Elementarya <input type="checkbox"/> Vocational <input type="checkbox"/> Doktorado/Doctorate <input type="checkbox"/> High School <input type="checkbox"/> Kolehiyo <input type="checkbox"/> Iba pa | |
| Hanapbuhay o kabuhayan: | Employer (kung mayroon): |
| Government-issued ID: <ul style="list-style-type: none"> • Uri ng ID (hal. Driver's license, passport, SSS ID, Senior ID, PWD ID) _____ • Hangganan ng bisa ng ID (expiration date) _____ • Kung walang government-issued ID, ano pang ID ang mayroon? _____ | |

| | |
|---|------------------|
| Kasamang tao (kung mayroon) sa panayam | |
| Pangalan: | |
| Relasyon sa iniinterbyu: | Contact details: |

| | |
|--|--------------------|
| Tagapagsalin o interpreter (kung mayroon) | |
| Pangalan: | Wika na isinasalin |
| Relasyon sa iniinterbyu: | Contact details: |

| |
|---|
| Iba pang komento at/o obserbasyon: |
|---|

Mga gabay na tanong

| <i>Mga kailangang alamin</i> | <i>Mga mungkahing itatanong</i> |
|---|---|
| <p>Ano ang nangyari? (Ipasalaysay sa iniinterbyu ang buong pangyayari)</p> | <ul style="list-style-type: none"> • Ano ang iyong nakita? • Kailan ito nangyari? • Naganap ba ito kasabay ng isang okasyon o pagtitipon? • Saan ito nangyari? • Nasaan ka noong nangyari ito? |
| <p>Sino ang mga sangkot o kasama sa insidente?</p> | <ul style="list-style-type: none"> • Sino ang nasaktan o naapektuhan, kung mayroon man? • May nasira bang ari-arian (pananim, gamit, tirahan)? • Kilala mo ba ang gumawa ng karahasan o kaguluhan? Kung OO, maaari mo ba silang ilarawan? • Magkakilala ba ang/mga biktima at ang/mga gumawa ng karahasan o kaguluhan? Bakit mo ito nasabi? |
| <p>Pinagmulan/Konteksto</p> | <ul style="list-style-type: none"> • May mga nauna bang pangyayari bago naganap ang insidenteng ito? Kung meron, anu-ano ang mga pangyayaring ito? • (Sa iyong palagay) Ano ang mga posibleng dahilan o motibo kung bakit naganap ang insidente? Bakit mo ito nasabi? • Naiulat (naireport) ba ito sa mga awtoridad? Kanino? Kailan? Ipaliwanag ang sagot. • Ano ang status ng imbestigasyon? May lumabas na bang resulta nito? (Paalala: Kunin ang kopya ng dokumento) |
| <p>Mga tanong para alamin kung may relasyon ang insidente/pangyayari sa tunggalian/away sa lupa</p> | <ul style="list-style-type: none"> • May naunang insidente ba ng HRV sa komunidad? Katulad ba ito ng pinag-uusapan na insidente ngayon? • May mga naunang pangyayari ba na sangkot o target ang mga parehong biktima at/o komunidad? Kung meron, sa iyong palagay, ano ang dahilan ng pagtarget sa kanila? • Ano ang hanapbuhay ng biktima/mga biktima? • Miyembro ba ng organisasyon ang biktima/mga biktima? Ano ang mga gawain o itinutulak na adbokasiya ng organisasyon? |

Panayam kaugnay ng kaso ng tunggalian sa lupa

Gamitin ang gabay na ito upang i-update ang mga tala o files na meron na ang interviewer (o grupo na nagsasagawa ng panayam), tungkol sa kaso o pangyayari na may kinalaman sa tunggalian/away sa lupa.

Maaari itong gamitin upang mabantayan ang estado (status) ng kaso o isyu. Magagamit din ito kung may mga bagong pangyayari (positibo man o negatibo) na nakakaapekto sa mga tao sa komunidad.

Magagamit rin ito para idokumento ang mga paglabag sa karapatang pantao (human rights violation o HRV), may relasyon man ito o wala sa tunggalian/away sa lupa na nararanasan ng komunidad.

*Tandaan rin na ang lahat ng nakasulat dito ay **gabay** lamang. Hindi kailangang itanong ang lahat ng gabay na tanong, at hindi rin kailangan sundin ang pagkakasunod-sunod ng mga tanong sa panayam. Maaari din kayong magdagdag ng katanungan na makakatulong sa paglalahad ng pangyayari.*

Nasa inyong pagtatasa ang pagtukoy kung alin sa mga tanong ang makapagpapalabas ng tama, malinaw at kumpletong dokumentasyon ng insidente o karanasan ng taong iniinterview at ng kanyang komunidad. Iminumungkahi rin sa interviewer na magsagawa ng masusing paghahanda bago isagawa ang panayam.

PAALALA

Hingin ang pahintulot ng kausap tungkol sa mga sumusunod:

1. Sa pagkuha at pagtala ng kanyang personal at/o kumpidensyal na impormasyon;
2. Sa pagbabahagi ng kanyang mga sagot sa ibang mga Civil Society Organizations (CSOs);
3. Sa pagbabahagi ng kanyang mga sagot sa ibang tao/grupo na hindi bahagi ng CSO (tulad ng ahensya ng gobyerno, academe, etc).
4. Alamin din mula sa kausap kung kanino niya/nila ayaw maibahagi ang kanyang/kanilang impormasyon.

| | | | |
|-------------------|-------|-------|--------|
| Petsa ng panayam: | Oras: | AM/PM | Lugar: |
|-------------------|-------|-------|--------|

| Impormasyon tungkol sa interviewer |
|---|
| Pangalan: |
| Organisasyon: |

| May tala o file ba kayo (miyembro o organisasyon) tungkol sa komunidad o taong maaaring sangkot sa insidente o tunggalian/away? | |
|--|--|
| <input type="checkbox"/> Oo Pakisulat ang pangalan ng kaso at/o reference file number nito | <input type="checkbox"/> Wala Pakilagyan ang pangalan ng case file at/o reference number ng bagong kasong ito |

| Impormasyon tungkol sa iniinterbyu (interviewee) | | |
|---|--------|-----------------------|
| <input type="checkbox"/> Biktima o apektadong partido <input type="checkbox"/> Saksi (witness) <input type="checkbox"/> Pulis o Imbestigador (pakisulat ang ahensiya: _____) <input type="checkbox"/> Government Agency Representative (pakisulat ang ahensiya: _____) <input type="checkbox"/> Iba pa: _____ | | |
| Pangalan (o alyas/palayaw ng iniinterbyu): | | |
| Tirahan: | | |
| Telepono/cellphone: | Email: | Social Media Contact: |
| Kasarian: M/F/PNS* | Edad: | Katayuang Sibil: |

* PNS - prefer not to specify

| | | |
|---|--------------------------|-----------------|
| Nasyonalidad: | Relihiyon: | Bilang ng anak: |
| Kabilang ba siya/sila sa grupo ng Katutubo?: <input type="checkbox"/> Oo Pangalan ng grupo: _____ <input type="checkbox"/> Hindi | | |
| PWD?: <input type="checkbox"/> Oo Uri ng kapansanan: _____ <input type="checkbox"/> Hindi | | |
| Antas ng pinag-aralan: <input type="checkbox"/> Wala <input type="checkbox"/> Senior High School <input type="checkbox"/> Post-Graduate/Masters <input type="checkbox"/> Elementarya <input type="checkbox"/> Vocational <input type="checkbox"/> Doktorado/Doctorate <input type="checkbox"/> High School <input type="checkbox"/> Kolehiyo <input type="checkbox"/> Iba pa | | |
| Hanapbuhay o kabuhayan: | Employer (kung mayroon): | |
| Government-issued ID: <ul style="list-style-type: none"> • Uri ng ID (hal. Driver's license, passport, SSS ID, Senior ID, PWD ID) _____ • Hangganan ng bisa ng ID (expiration date) _____ • Kung walang government-issued ID, ano pang ID ang mayroon? _____ | | |

| Kasamang tao (kung mayroon) sa panayam | |
|---|------------------|
| Pangalan: | |
| Relasyon sa iniinterbyu: | Contact details: |

| Tagapagsalin o interpreter (kung mayroon) | |
|--|--------------------|
| Pangalan: | Wika na isinasalin |
| Relasyon sa iniinterbyu: | Contact details: |

Iba pang komento at/o obserbasyon:

Mga gabay na tanong

| <i>Mga kailangang alamin</i> | <i>Mga mungkahing itatanong</i> |
|---|---|
| Tunggalian/Away sa Lupa – Paunang Dokumentasyon (Initial Documentation) | <ul style="list-style-type: none"> • May mga pangyayari ba sa inyong komunidad na may epekto sa inyong mga lupain (o sa estado ng kalupaan, sa pangkalahatan — hal: major projects, developments, construction?) • Ano ang epekto ng mga ito (kung mayroon man) sa inyong: a) lupa, b) kabuhayan, at c) karapatan sa lupa? • May nararanasan din ba kayong tunggalian/away sa lupa sa ngayon na may relasyon sa pangyayaring nabanggit nyo (sa unang tanong)? • May iba pa ba kayong isyung nararanasan o hinaharap ngayon sa komunidad? Pwede mo bang ikwento ito? • Ang mga isyung ito ba ay may kaugnayan din sa usaping lupa na kinakaharap ninyo o ng inyong komunidad? • Sino-sinong mga grupo, korporasyon o industriya (pribadong tao, negosyo, ahensya ng gobyerno) ang nauugnay o may mga kinalaman sa mga kaganapang ito (nabanggit sa unang tanong)? • Ano ang mga polisiya/patakaran ng gobyerno na nagpapahintulot sa mga pangyayaring ito (nabanggit sa unang tanong)? • Ano ang inyong naging tugon o aksyon kaugnay ng pangyayaring ito? |
| Pag-update ng tala/file tungkol sa kaso o isyu ng tunggalian/away sa lupa | <ul style="list-style-type: none"> • Ano ang lagay (status) ng mga kasong may kinalaman sa tunggalian/away sa lupa na nararanasan ng komunidad? |

| Mga kailangang alamin | Mga mungkahing itatanong |
|--|---|
| Pag-update ng tala/file tungkol sa kaso o isyu ng tunggalian/away sa lupa | <ul style="list-style-type: none"> • Anong mga hakbang ang nagawa na o ginagawa ng komunidad para tugunan ang isyu? Ano ang naging resulta ng mga hakbang na ginawa? • Tumugon/Tumulong ba ang mga awtoridad sa kaso? Ano ang ginawa nila? Sino-sino sila? Ano ang naging resulta? • Mayroon bang mga bagong polisiya, desisyon, o aksyon ang gobyerno na nakaapekto sa komunidad o sa kaso/isyung kinakaharap ninyong may kinalaman sa tunggalian sa lupa? • May mga bago bang pangyayari (events) ang naganap na nakaapekto sa karapatan ng komunidad sa lupa? |
| Mga elemento ng tunggalian/away sa lupa: Mga dahilan at kondisyon (drivers and conditions) | <ul style="list-style-type: none"> • Ano ang lupang dahilan ng away/tunggalian? Lumaki ba sakop ng lupang pinag-aawayan/dahilan ng tunggalian? • Sino ang mga tao/pamilyang apektado ng tunggalian? Dumami ba o nabawasan ang mga apektadong kabahayan? • Mayroon bang mga bagong tao/grupo/korporasyon na sangkot sa kaso/isyu ng tunggalian/away sa lupa? Sino-sino sila? Paano sila nasangkot sa isyu? Paano sila nakakaapekto sa kaso o tunggalian sa lupa? • Mayroon bang mga gawain o aksyon sa ngayon ang komunidad, gobyerno, o iba pang partido upang mapagaan o matigil ang tunggalian (land conflict)? Ipaliwanag ang sagot. • Mayroon na bang mga isyung may relasyon sa tunggalian/away sa lupa ang nalutas/naresolba na? • Paano ito nalutas/naresolba? |
| Paglabag sa karapatang pantao (HRV) na kaugnay sa tunggalian/away sa lupa | <ul style="list-style-type: none"> • Mayroon bang naranasang HRV ang komunidad na kaugnay sa tunggalian/away sa lupa? • Ano ang nangyari o mga pangyayari? (Ipasalaysay sa iniinterbyu ang pangyayari) • Ano ang iyong nakita? • Kailan ito nangyari? • Naganap ba ito kasabay ng isang okasyon o pagtitipon? • Saan ito nangyari? • Nasaan ka noong nangyari ito? • Sino ang mga sangkot o kasama sa pangyayari? |

Panayam para sa mga eksperto sa paksa (subject matter experts)

Ang mga tanong na ito ay para sa mga eksperto (subject matter experts). Ang gabay na ito ay nakadiseno para sa mga interviewees na may malawak na kaalaman/pag-aaral/pananaliksik tungkol sa/may kinalaman sa usaping lupa/karapatan sa lupa. Sila rin ay kinikilala na may kakayahang magsuri ng mga isyu hinggil sa tunggalian/away sa lupa.

Ang mga ekspertong makakapanayam ay maaaring maalam sa larangan ng Engineering, Agriculture, Law, Medicine, Sociology, Psychology at iba pa. Bukod sa pagkakaroon ng teknikal na kaalaman, maaari ding may malawak silang karanasan sa mga usaping tungkol sa tunggalian sa lupa.

*Tandaan rin na ang lahat ng nakasulat dito ay **gabay** lamang. Hindi kailangang itanong ang lahat ng gabay na tanong, at hindi rin kailangan sundin ang pagkakasunod-sunod ng mga tanong sa panayam. Maaari din kayong magdagdag ng katanungan na makakatulong sa paglalahad ng pangyayari.*

Nasa inyong pagtatasa ang pagtukoy kung alin sa mga tanong ang makapagpapalabas ng tama, malinaw at kumpletong dokumentasyon ng insidente o karanasan ng taong iniinterview at ng kanyang komunidad. Iminumungkahi rin sa interviewer na magsagawa ng masusing paghahanda bago isagawa ang panayam.

PAALALA

Hingin ang pahintulot ng kausap tungkol sa mga sumusunod:

1. Sa pagkuha at pagtala ng kanyang personal at/o kumpidensyal na impormasyon;
2. Sa pagbabahagi ng kanyang mga sagot sa ibang mga Civil Society Organizations (CSOs);
3. Sa pagbabahagi ng kanyang mga sagot sa ibang tao/grupo na hindi bahagi ng CSO (tulad ng ahensya ng gobyerno, academe, etc).
4. Alamin din mula sa kausap kung kanino niya/nila ayaw maibahagi ang kanyang/kanilang impormasyon.

| | | | |
|-------------------|-------|-------|--------|
| Petsa ng panayam: | Oras: | AM/PM | Lugar: |
|-------------------|-------|-------|--------|

Impormasyon tungkol sa interviewer

Pangalan:

Organisasyon:

May tala o file ba kayo (miyembro o organisasyon) tungkol sa komunidad o taong maaaring sangkot sa insidente o tunggalian/away?

Oo

Pakisulat ang pangalan ng kaso at/o reference file number nito

Wala

Pakilagyan ang pangalan ng case file at/o reference number ng bagong kasong ito

Impormasyon tungkol sa iniinterbyu (interviewee)

Biktima o apektadong partido

Saksi (witness)

Pulis o Imbestigador (pakisulat ang ahensiya: _____)

Government Agency Representative (pakisulat ang ahensiya: _____)

Iba pa: _____

Pangalan (o alyas/palayaw ng iniinterbyu):

Tirahan:

Telepono/cellphone:

Email:

Social Media Contact:

Kasarian: M/F/PNS*

Edad:

Katayuang Sibil:

Nasyonalidad:

Relihiyon:

Bilang ng anak:

Kabilang ba siya/sila sa grupo ng Katutubo?:

Oo Pangalan ng grupo: _____

Hindi

* PNS - prefer not to specify

| | |
|--|--------------------------|
| PWD?: | |
| <input type="checkbox"/> Oo Uri ng kapansanan: _____ <input type="checkbox"/> Hindi | |
| Antas ng pinag-aralan: <input type="checkbox"/> Wala <input type="checkbox"/> Senior High School <input type="checkbox"/> Post-Graduate/Masters <input type="checkbox"/> Elementarya <input type="checkbox"/> Vocational <input type="checkbox"/> Doktorado/Doctorate <input type="checkbox"/> High School <input type="checkbox"/> Kolehiyo <input type="checkbox"/> Iba pa | |
| Hanapbuhay o kabuhayan: | Employer (kung mayroon): |
| Government-issued ID: <ul style="list-style-type: none"> • Uri ng ID (hal. Driver's license, passport, SSS ID, Senior ID, PWD ID) _____ • Hangganan ng bisa ng ID (expiration date) _____ • Kung walang government-issued ID, ano pang ID ang mayroon? _____ | |

| | |
|---|------------------|
| Kasamang tao (kung mayroon) sa panayam | |
| Pangalan: | |
| Relasyon sa iniinterbyu: | Contact details: |

| | |
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| Tagapagsalin o interpreter (kung mayroon) | |
| Pangalan: | Wika na isinasalin |
| Relasyon sa iniinterbyu: | Contact details: |

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| Iba pang komento at/o obserbasyon: |
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Chapter 3

Case analysis and report writing

This chapter outlines the steps for writing a case report and managing data, information, and physical evidence collected from the field.

The purpose of this chapter is not to restrict the monitor's analysis or to prescribe a specific writing style. Rather, it aims to provide a practical guide to help the monitor organize her/his findings and to present them clearly and systematically in a written report.

As this manual serves as a monitoring tool for documenting human rights violations (HRVs) and land conflict cases, this chapter also provides flexible outlines for two types of reports: (i) Human rights violation (HRV) case report, and (ii) Land and resource conflict case report. These templates help ensure that all relevant information are captured and logically presented.

At the end of an investigation, a case report must be written. Through the process of gathering facts such as interviewing victims and witnesses, and checking other relevant sources – the fact-finder or monitor would have begun to draw connections between the HRV incident, a possible land conflict case, individuals or entities involved, and possibly even the societal structures and systems at play. By this stage, s/he would have compiled a range of information – some directly related to land rights, others simply factual or contextual. The next step is to organize the gathered facts, insights, and evidence into a coherent report that clearly communicates the issues to the intended audience – whether advocates, policymakers, or the general public.

Before writing, the monitor should have a clear understanding of the case. A thorough and well-documented investigation will make the writing process much easier.

Writing a case report means reviewing a large amount of information and making sense of it. A monitor must systematically organize, analyze, and interpret the information to identify patterns, themes, relationships, and possible causes. The goal is to organize the information clearly, to present it as accurately as possible, and to give a storyline.

Thus, the writer must pay close attention to the crucial details of the incident or case and place them in the report. A report should contain the information detailed in Table 3.

Table 3

Crucial information to be gathered and indicated in the report

| Who | What |
|---|---|
| <ul style="list-style-type: none"> • Victim/s or affected person/s • Witness/es • Perpetrator/s | <ul style="list-style-type: none"> • HRV incident or human rights violated • Land conflict case (drivers, markers) |
| Where | When |
| <ul style="list-style-type: none"> • Exact place where HRV happened • Location of affected community • Localities that may be affected | <ul style="list-style-type: none"> • Date of HRV incident • Probable date when conflict arose • Period of monitoring |
| How | Why |
| <ul style="list-style-type: none"> • Manner that HRV was perpetrated • Inaction that allowed the land conflict to fester | <ul style="list-style-type: none"> • Latent conditions of land conflict • Laws, regulations, or polices that caused land conflict |

Clarifying the purpose and target audience

A case report consolidates the facts gathered during the monitoring. It presents the key findings in written form — an essential step to avoid inaccuracies, rumors, and misunderstandings, especially in complex and sensitive cases. A report should present a thorough and objective account of the monitoring activity. It must contain specific facts and provide accurate analysis — including legal analysis where relevant — to support its conclusions and findings. It should present clearly-stated recommendations, avoiding vague statements and generic descriptions.

The report should summarize what was investigated, what was gathered and found, and how the conclusions were reached. A good report should show the steps taken — such as doing interviews, checking documents, and comparing facts — to reach a strong and reliable conclusion.

When preparing a report, the monitor must first consider its purpose and intended audience, as these will influence the tone, style, and length of the report.

Monitoring reports usually aim to document and expose the facts of an incident or a case, establish accountability, and support efforts for justice and redress. They may also serve to inform advocacy, raise public awareness, and guide policy or legal action to prevent further violations or conflict.

The report's purpose and audience should guide the writer in organizing its structure. A *chronological format* or narrative may help general readers better understand the findings, while a *thematic format* — i.e., organizing findings by land rights violations and related human rights issues — may suit more specialized audiences.

Framing the problem

The report is a human rights document and must be written with human rights at its core. Organizing the facts and evidence at hand requires analysis from a human rights standpoint.

The writer should be able to present the human rights problem, including what rights were/are being violated, and what is needed to resolve the problem. The writer should also assess the impact of the violations to ensure that their various dimensions — legal, economic, social, and environmental — are addressed.

Framing the issue involves identifying patterns of abuse and linking them to human rights principles and prevailing laws, including those pertaining to land rights. It should be reiterated that since land rights violations are often not immediately visible, the writer should emphasize the interrelatedness of human rights to reveal how these issues may be connected.

The writer should identify both the perpetrators of HRVs, and the actors or duty-bearers — those responsible for protecting and enforcing the rights of the victims or those affected by land conflict. Duty bearers may include government agencies, law enforcers, public officials, and even private entities and corporations responsible for ensuring that human rights are upheld. The report should also specify the particular obligations that the duty-bearers failed to meet.

To show the scale of the problem, the report should illustrate the impact of the violations, including the number of individuals or households affected. Where possible, disaggregated data should be used to show the effects on women, children or other sectors of the community.

It may be useful to apply the following set of guide questions:

- What is the problem or issue? What violations of human rights are involved in this issue?
- What rights were violated, and who were the actors or duty-bearers involved?
- What human rights principles and laws do these violate?
- What land and resource rights are involved? What livelihoods are affected?
- Is the government involved in the perpetuation of the problem? Do they contribute to the persistence of the problem, either by their action or neglect of duty?
- What is the impact of the HRV?
- Who are the duty bearers? Have they performed their duties?
- How many people are affected? Which communities are affected?
- Is there damage caused to land and resources?

The report is most useful if it is able to present the risks, threats, and vulnerabilities of the rights holders. Rights holders are individuals or communities who possess legal or moral claims to certain rights – such as the right to land, livelihood, housing, or participation. **Thus, the following guide questions may be used:**

| | | |
|---|-------------------------------------|--|
| <ul style="list-style-type: none"> • What are the structures and conditions that allow these HRV violations to take place? • What are the underlying or latent conditions that sustain the land conflict? | | |
| Some vulnerabilities of rights holders | Ethnicity or gender | <ul style="list-style-type: none"> • What are the drivers, underlying conditions, and triggering events? • Describe the existing drivers, triggers and markers of land conflict present. • What factors allow the adversarial claimant to have superior power over the rights holders? • Is there irreversible or long-term damage to the land and resource? • Are there policies that allow the entry of more adversarial claimants? |
| | Geography | |
| | Economic status | |
| | Political factors | |
| | Membership in groups/ organizations | |

By definition, land conflict situations involve inherent imbalances of power. Thus, the report should identify the key duty-bearers, and document how their actions and decisions impact on the human rights situation or land conflict. It should also present the power dynamics and influences that are present or exerted on the human rights situation.

Relatedly, inaction by authorities also contributes to land conflict. Thus, the report should also illustrate the level of commitment by specific agencies in resolving the land conflict case. For instance, in the case of land conversions, what actions have the Department of Agrarian Reform (DAR) and the Department of Agriculture (DA) taken? Do they actively oppose the conversion of agricultural land?

It would also help if other influential actors were identified. They may be members of the media or other CSOs and even UN bodies, depending on the scope and breadth of the human rights problem.

- What are the roles and obligations of the duty bearers to address the situation?
- Which government agency has primary jurisdiction to help address the HRV?
- What are the findings and recommendations?
- Who are other persons or actors who can affect the land conflict case?

Managing data, using graphs and tables in the report

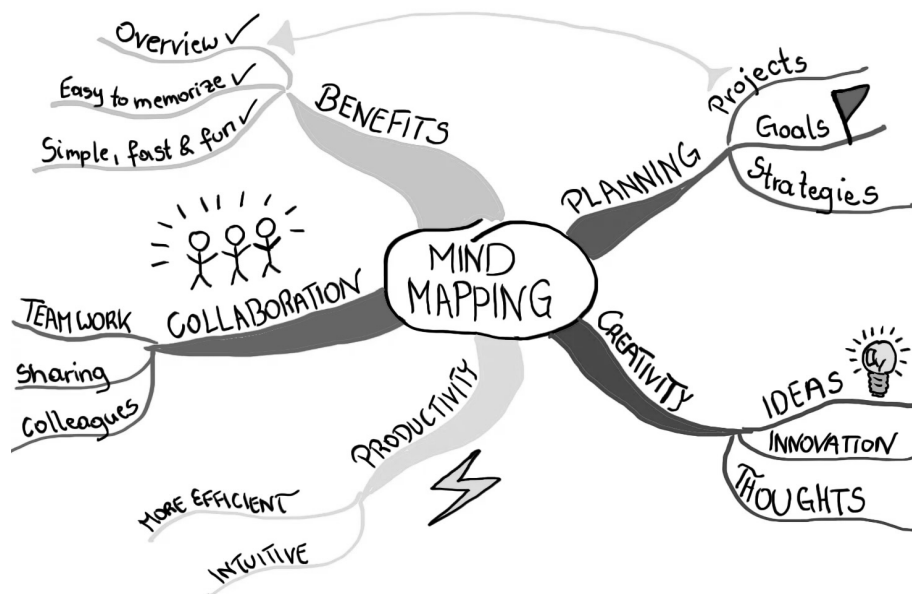
In the course of gathering facts, the monitor collects documents and information and conducts interviews relating to an HRV or land conflict case. The individual or the CSO may have their own filing or cataloguing system to organize the data. However, the system must ensure that information is well-organized, easily searchable, and retrievable.

Human rights documentation deals with different kinds of data and goes beyond the numbers. Thus, it involves documenting events that led to or caused a failure to protect or enforce human rights.

It is advisable to organize the information by grouping similar types of information (e.g., interview transcripts, official documents, photos, news articles, etc.). Digital applications like spreadsheets or mind mapping applications may be used to organize and connect information.

Figure 5

Mind mapping sample



Source: <https://blog.alexanderfyoung.com/the-perfect-mindmap-4-step-framework/>

Such can also be done physically through notecards or post-its to sort out the data and to categorize them.

From this, the writer can create either a virtual or physical timeline of events. The chronology of events may help establish causal relationships, but be careful as the sequence of events does not always establish a cause-and-effect relationship.

To manage the information and help with the analysis of the human rights situation, simple counts of relevant information can help identify patterns and trends. Counting reduces subjective or qualitative data to numbers, to help the writer identify trends or patterns associated with HRVs or land conflict. It also provides a quick summary of massive amounts of information. Likewise, using numbers may reinforce an idea and reduce unintended bias. Thus, the writer may find it helpful to organize information into tables or graphs, especially when monitoring land conflict cases.

Writing a gender-sensitive report

When documenting incidents of human rights violations or land conflict cases, it

- Avoid gender stereotypes and assumptions;
- Use gender-sensitive language;
- Include sex-disaggregated data, wherever applicable;
- Analyze the differential impact of human rights violations and land conflicts on women, girls, men, and boys.

is essential that the investigator's report is gender-sensitive. The report must: A gender-sensitive approach recognizes that the same incident or conflict may be experienced or perceived differently by individuals based on their gender. Thus, it is important that gender sensitivity is applied at the investigative stage.

- Intentionally seeking information from women and girls, women's groups and organizations – that may otherwise be overlooked in traditional monitoring processes;
- Being attentive to power dynamics that may affect how women and girls participate in interviews or share their stories.

This involves:

Where appropriate, the case report may include a separate section on gender analysis that highlights how gender roles, relations, or inequalities influenced the events or their outcomes. By adopting a gender-sensitive lens from the start, the report will not only be more accurate and inclusive – it will also better support interventions that address the specific needs and rights of all affected groups.

Cover sheet

It is advisable to place a cover sheet to serve as a quick summary of the HRV incident or land conflict case. It may include the following relevant information:

| | | |
|--|--|--------------------------|
| HRV incident | [Indicate whether the HRV involved killing, harassment, illegal detention, etc., which can be more than one] | |
| Human rights violated | [Indicate as many rights that are/were affected] | |
| Prepared by | [Indicate writer or monitor] | |
| Date of report | [Indicate date when report was finalized] | |
| Date of incident | [If HRV is continuing or happened over a period, indicate inclusive dates] | |
| Place of incident | [Include any other place where the HRV happened or is happening, if the incident is a series of events] | |
| Land conflict, if any | Land Conflict | Type of land or resource |
| | Rights holder/s | Adversarial claimant/s |
| Date started | [Indicate date or estimated date when land conflict started] | |
| Place affected | [Indicate places that are affected by land conflict] | |
| Size of area affected | [in hectares] | |
| Victim/s or affected persons | [Indicate victims or community affected, include number of persons or households] | |
| General Community Profile | [Indicate whether the affected community consists of smallholder farmers, IPs, fisherfolk, etc., which can be more than one, but indicate the primary profile] | |
| Duty-bearers | [Indicate other duty-bearers besides adversarial claimants] | |
| Period of Fact-finding/ Investigation | [Indicate the start and end date of gathering information] | |

Suggested outlines

The writer should start with an outline. However, s/he should remain flexible and allow changes during the writing process. As the draft develops, the outline can be revised to better organize and present the information. Even after completing a draft, the writer may rearrange the sub-sections to ensure that the report flows clearly and effectively.

Presented in the Annexes are two sets of outlines: (a) for reporting on a human rights violation (HRV) incident, and (b) for reporting on a land conflict case (in English and Tagalog). Their overall formats may appear similar, but the main focus, urgency, scope, and depth of each type of case report may be different. An **HRV report** is typically *incident-based and time-sensitive*, aiming to document specific violations such as killings, threats, or forced evictions. It focuses on immediate impacts, identifies perpetrators, and supports urgent actions like protection, advocacy, or legal response. The emphasis is on *accuracy, clarity, and quick documentation* of who was harmed, how, and which rights were violated.

A **land conflict report**, on the other hand, deals with *longer-term, systemic issues* involving disputes over ownership, access, or control of land. It may require broader analysis – covering historical background, tenure systems, power dynamics, and legal frameworks. While less urgent, it also demands in-depth investigation, with use of maps, timelines, and stakeholder roles to support resolution or policy reform.

In short, *HRV reports respond to urgent violations, while land conflict reports address root causes and longer-term solutions*. However, they may sometimes overlap. ■

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- United Nations High Commissioner for Human Rights (OHCHR). (2011). Chapter 2: Basic principles of human rights monitoring. In *Manual on human rights monitoring*. UN OHCHR.
- United Nations High Commissioner for Human Rights (OHCHR). (2011). Chapter 8: Analysis. In *Manual on human rights monitoring*. UN OHCHR.

Suggested outline for a report on an HRV incident

| Section | Guide questions |
|---|---|
| <p>Background of the investigation</p> <p><i>Covers the monitoring team, purpose of monitoring, actions taken to gather the information in the report, and date of commencement and conclusion of the monitoring.</i></p> <p><i>This section also states the report's focus — what is being monitored and why. It explains how the monitoring activity came about, and may include a brief introduction of the organization and its work in the community.</i></p> | <ul style="list-style-type: none"> • What is the purpose of the monitoring? • What is being monitored, and why? • Is this a <i>new</i> case, or is this a follow-up on an <i>existing</i> case (cite reference)? • On what basis was the monitoring carried out? Were there complaints, allegations, events, or reported incidents? • When was the monitoring carried out? • Who was involved in the conduct of the monitoring? From which institutions? • When was the monitoring carried out? • Were there challenges met during the monitoring? • For whom/what purpose is this report being written? |
| <p>Sources of information gathered and methods used</p> <p><i>Provides an overview of the methods and sources used for the report.</i></p> <p><i>This section reveals the extent to which the monitoring was thorough, professional, and fact-based; and whether the conclusions in the report were made transparently.</i></p> | <p><i>On sources of information</i></p> <ul style="list-style-type: none"> • What are the sources of information used for the report? • Were secondary sources/references used? • Were site visits conducted? • Were official documents used? • What other material evidence was obtained or gathered? How were they obtained? <p><i>On the procedures taken</i></p> <ul style="list-style-type: none"> • What actions were taken to analyze the information and to arrive at the conclusions? • Were interviews conducted? How many? With whom (i.e., victims, witnesses, experts, officials)? • How were women involved in the process? <p><i>On limitations</i></p> <ul style="list-style-type: none"> • What are the limitations/gaps of the methodologies used? • Was safety an obstacle in gathering information? <p><i>On assessing the information</i></p> <ul style="list-style-type: none"> • What measures or factors help ensure the veracity, accuracy, and credibility of the information? • What are the biases of the source of information? • What data or information were not up to date? |

| Section | Guide questions |
|--|--|
| <p>Sources of information gathered and methods used</p> | <p><i>On analyzing and concluding</i></p> <ul style="list-style-type: none"> • What steps were undertaken? What procedures were followed in conducting the monitoring? • Are there learnings that may be used in subsequent monitoring activities? |
| <p>Narrative of events/ Facts of the case</p> <p><i>This is the main section of the report. It provides a story or narrative of what happened – i.e., key incidents, actions, and responses. It focuses on uncovering the facts of the case, including how conflicts may have developed or escalated over time.</i></p> | <p><i>Before the incident:</i></p> <ul style="list-style-type: none"> • What happened before the incident? Give a brief account of any relevant events leading up to the incident. • What were the immediately preceding events before the incident? <p><i>During the incident:</i> <i>(This sub-section is the most detailed.)</i></p> <ul style="list-style-type: none"> • What exactly happened? When, where, and how did it unfold? As much as possible, provide a chronological account of what happened during the incident. • Who were involved? Who were the victims? Who were the perpetrators? • Were there witnesses? • What were the direct results? Were there injuries? Were people affected? Was there damage to property (e.g., homes, crops, livestock)? • How are women affected by the incident? • Are there other testimonies, recorded accounts, or evidence on the incident itself? <p><i>After the incident:</i></p> <ul style="list-style-type: none"> • Describe what happened to all parties immediately after the incident. Who spoke to whom? What did people say? • Who wrote what and when? <i>Include details and results of any forensic processes and results done by other monitors.</i> • Has the incident been reported to authorities? Did authorities respond to the incident? Have actions been taken by the authorities? • What is the current status of the case? • How have the affected people responded to the incident? • Is there a desire among affected people for <i>relief</i> and <i>resolution</i>? What are their perspectives on how these may be achieved? |

| Section | Guide questions |
|---|---|
| <p>Examination of the underlying reasons or causes of the incident</p> | <ul style="list-style-type: none"> • Is this an isolated incident, or is it part of a pattern or trend? • Who carried out the violation, and/or who allowed it to happen? • What was the immediate event that triggered the incident? • Are there indications as to the underlying reasons or causes of the incident? Is this corroborated or supported by evidence and testimonies? |
| <p>Assessment</p> | <p>Assess the incident in relation to:</p> <ul style="list-style-type: none"> • <i>Legal and policy frameworks.</i> Were laws violated? Was due process followed? Was there failure in the enforcement of laws? Are there gaps in policy? • <i>Human rights standards.</i> Were there signs or patterns of abuse? Were there violations of human rights? What rights were violated? (e.g., right to land, due process, safety, livelihood) • <i>Power relations.</i> What do the findings reveal about governance or power dynamics? About motives? About gender relations? • <i>Root causes or structural issues.</i> What underlying issues (e.g., insecure tenure, discrimination, militarization) were at play? • <i>Drivers.</i> What are the drivers or triggers of land conflict that are linked to the HRV? <p>Assess the current situation:</p> <ul style="list-style-type: none"> • Is there continuing danger, threats, intimidation, or fear among victims and affected families? Whose lives, health, safety, and property are at risk? • Was there a government agency that came to the aid of the victims? What kind of relief has been provided? Is there any action to prevent similar incidents from happening by a government agency? • Was there any person or organization that provided aid other than agents of the government? What type of assistance was given or is being given? • <i>Duty-bearers and other actors.</i> What are the roles and obligations of the duty bearers to address the situation? • Are there other actors who can provide assistance to the victim/s? |
| <p>Conclusions and action/s to be taken</p> | <ul style="list-style-type: none"> • What actions are the victims willing to take? • What are their needs and demands? Any particular demands from women? • What are the immediate next steps? |

| Section | Guide questions |
|--|---|
| Conclusions and Action/s to be taken | <ul style="list-style-type: none"> • Who are the persons or entities that should be approached? • What legal, administrative or institutional options exist to remedy the situation? • What other recourse can be taken? |
| Annexes: Include relevant notes, documents, photos and references | <ul style="list-style-type: none"> • Interview guides or checklists • Names and credentials of persons, designations, and institutions interviewed • Relevant maps and photos • Legal documents or letters • Reference list or sources used • List of evidence gathered (and coded) |

Suggested outline for a land conflict case report

The guide questions below are intended as checklists or reminders to aid report writing. They are not meant to be answered exhaustively or followed rigidly. Use them flexibly – respond only to those deemed relevant to the specific case.

| Topic | Guide Questions |
|---|--|
| I. Overview of the report | |
| <p>1.1 Background of the investigation</p> <p><i>Covers the monitoring team, purpose of the monitor, actions taken to gather the information, and date of commencement and conclusion of the monitoring.</i></p> <p><i>This section may also explain how the organization came to know about the case, and may include a brief introduction of the organization and its work in the community.</i></p> | <ul style="list-style-type: none"> • What is the <i>purpose</i> of the monitoring activity? • What is being monitored, and why? • Is this a <i>new</i> case, or is this a follow-up on an <i>existing</i> case? (<i>Cite reference</i>) • On what <i>basis</i> was the monitoring carried out • Were there complaints, allegations, events or reported incidents? • When was the monitoring activity carried out? • Who were involved in the conduct of the monitor or research? • Were there challenges met during the monitoring? • For whom/what purpose is this report being written? |
| <p>1.2 Overall methodology</p> <p><i>Explains how the information was gathered – providing enough detail to show that the monitoring was transparent, thorough, and fact-based.</i></p> | <ul style="list-style-type: none"> • What preliminary steps were taken before conducting the monitoring? • How were the interviews conducted? How were the interviewees or witnesses chosen? • Who were the intermediaries who helped coordinate the information gathering? • How were official documents requested and certified? <hr/> <ul style="list-style-type: none"> • Were there efforts to verify and fact-check the statements and documents? • How were women involved in the process? • Were safety precautions observed during the monitoring activity? |
| <p>1.3 Sources of information gathered</p> <p><i>Provides an overview of the methods and sources used as basis for the report.</i></p> <p><i>This section reveals the extent to which the monitoring was thorough, professional and fact-</i></p> | <p><i>On sources of information</i></p> <p><i>Explain the sources of information used for this report. Did these include:</i></p> <ul style="list-style-type: none"> • Secondary sources? What types (<i>e.g., news clippings, studies, online materials, etc.</i>)? - Official documents? What types (<i>e.g., maps, official reports, statistical data</i>)? From which agencies or entities? |

| Topic | Guide questions |
|---|--|
| <p><i>based; and whether the conclusions in the report were made in a transparent manner.</i></p> | <ul style="list-style-type: none"> - Site visits and interviews? - Other sources? • <i>Were documentary or material evidence obtained? How were they obtained?</i> <p>On scope and limitations</p> <ul style="list-style-type: none"> • Are there information gaps/limitations in terms of the sources and methodologies used? • What is the capacity of the monitoring team in gathering information and evidence? • Was safety an obstacle in gathering information? • Was the collected information current or up-to-date? <p>On drawing up the analysis and recommendations</p> <ul style="list-style-type: none"> • What steps were taken to help analyze the information and to arrive at the conclusions? • Were the initial findings discussed with the community or other entities to help formulate the analysis and recommendations? |
| <p>II. The land conflict case</p> | |
| <p>2.1 Community or local context</p> <p><i>Describes the local context of the affected community/ies and the contested areas, in a land or resource conflict.</i></p> | <ul style="list-style-type: none"> • Briefly describe the broader community in terms of its <i>people, land, and livelihoods</i>: <ul style="list-style-type: none"> - How many households live in the community? Describe their social and economic background. - What are their living conditions and sources of livelihood? - Are there organizations, groups, and entities present in the community? - What are the physical features and uses of the contested land? • How is the land currently controlled and managed? What are the roles of women? • What is the tenurial status or basis of claims to land of the rights holders? • Do people have <i>legal and documented tenure</i> over their land? |
| <p>2.2 Facts of the land conflict</p> <p><i>Provides a description of the land conflicts case. It also tells a story or narrative of what happened – including key incidents, actions, and responses. It focuses on uncovering the facts of the case, including how conflicts may have developed or escalated over time.</i></p> | <ul style="list-style-type: none"> • Describe the conflict and narrate the event/s, including the following: <ul style="list-style-type: none"> - Have there been recent <i>incidents</i> or <i>markers</i> for the land conflict? What exactly happened? - What are the direct results? Are there injuries or adverse health effects on communities? Were people’s livelihoods and/or living conditions affected? Is there long-term damage to the land and resources? - How have the affected people responded? - What <i>type of land</i> is under conflict? What is the <i>size</i> of the affected/contested area? |

| Topic | Guide questions |
|--|--|
| <p>2.2 Facts of the land conflict</p> | <ul style="list-style-type: none"> - Who are the <i>entities</i> involved in the conflict? - Who are the <i>victims, affected persons</i>, and communities? How many persons and households are affected? How many women are there? - Who are the <i>adverse claimants</i> on the land? Are there other stakeholders with an interest in the land conflict? What interests are involved? • Are there other testimonies, recorded accounts, or evidence of the conflict? • What is the current status of the case? • Does the community face any other land conflict cases? |
| <p>2.3 Examining the underlying reasons and causes of conflict</p> <p><i>Reviews the history of the land conflict to identify the drivers, triggers, and underlying conditions that allow the conflict to sustain and escalate.</i></p> | <p>Historical review:</p> <ul style="list-style-type: none"> • How long has the conflict persisted? • When and how did the land conflict start? • How did the conflict unfold? <p>Drivers or long-term, structural causes:</p> <ul style="list-style-type: none"> • What historical, political, or legal issues have contributed to the land conflict? <ul style="list-style-type: none"> - Are there unresolved land claims, overlapping tenurial arrangements, or unclear land titles? - How have government policies, land laws, or development projects influenced the conflict? - Are economic interests fueling the conflict? - Are there patterns of marginalization or exclusion present (e.g., of indigenous peoples, women, tenants)? <p>Triggers or immediate events/actions:</p> <ul style="list-style-type: none"> • What specific event or action led to the outbreak or escalation of the conflict? <ul style="list-style-type: none"> - Was there a recent land transaction or construction? - Did a confrontation, eviction, arrest, or incident of violence occur? - Was there an administrative or legal decision (e.g., land award, cancellation, or court ruling)? <p>Underlying conditions or enabling environment:</p> <ul style="list-style-type: none"> • What conditions made the community vulnerable to conflict? <ul style="list-style-type: none"> - Is there unclear tenure, unrecognized tenure rights, or tenure insecurity? - Are there weak or absent institutions for resolving land disputes? - Are there power imbalances between the parties involved? - Is there fear, mistrust, or a lack of dialogue between stakeholders? - Are there armed actors, private security, or other forces influencing the conflict? • What are the evidence and testimonies that support the rights-holders claims? |

| Topic | Guide questions |
|---|---|
| <p>2.4 Actions and measures taken by government and other stakeholders</p> <p><i>Mention any positive steps that have been done to address the problem. This also helps plan subsequent action to resolve or address the HRV or land conflict case.</i></p> | <p>Efforts at resolution</p> <ul style="list-style-type: none"> • Was there a government agency that came to the aid of the victims? What kind of relief has been provided? Is there any action to prevent similar incidents from happening by a government agency? • Did any person or organization assist other than entities of the government? What type of assistance has been given? <p>Immediate responses</p> <ul style="list-style-type: none"> • Have authorities acted on the land conflict case? Which government agencies, and what actions have been taken? • What problems or issues of the land conflict case have been resolved through a government agency's intervention? Describe. • Are there other actors or stakeholders who have taken measures to resolve the land conflict case or particular issues of the case? • Are the rights holders satisfied with the responses and their results? |
| III. Assessment and recommendations | |
| <p>3.1 Assessment</p> <p><i>Assesses the land conflict case using key parameters. These include the potential consequences of unresolved conflict, relevant legal and policy frameworks, human rights standards, the roles of duty-bearers and rights holders, and the underlying societal or structural issues.</i></p> | <p>Assess the case in relation to:</p> <p>Likely consequences</p> <ul style="list-style-type: none"> - What are the consequences if the land conflict is not addressed or resolved? - What are the short-term, medium-term, and long-term effects on the affected persons and/or communities? <p>Legal and policy frameworks</p> <ul style="list-style-type: none"> - What are the laws and policies that affect the land conflict? When were these laws, policies, and decisions issued? - Were laws violated? Was due process followed? Was there failure in the enforcement of laws? Are there gaps in policy? <p>Human rights standards</p> <ul style="list-style-type: none"> - Were there signs or patterns of abuse? Were there violations of human rights? - What rights were violated (e.g., right to land, due process, safety, livelihood)? - Is there danger, threats, intimidation, or fear among victims and affected families? Whose lives, health, safety, and property are at risk? |

| Topic | Guide questions |
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| <p>3.1 Assessment</p> | <p><i>Underlying structural issues</i></p> <ul style="list-style-type: none"> - What underlying issues (e.g., insecure tenure, discrimination, militarization) were at play? - What do the findings reveal about governance or power relations? About motives? About gender relations? - <i>Duty-bearers and other actors</i>. What are the roles and obligations of the duty bearers to address the situation? - Aside from the government, which other <i>duty-bearers</i> or entities should be taking action to resolve the conflict? <p><i>Expectations of rights holders</i></p> <ul style="list-style-type: none"> - What resolution do the rights holders demand? What resolution do they expect? - What reliefs do the rights holders expect in the short term, medium term, and long term? |
| <p>3.2 Conclusions and recommended actions to be taken</p> | <ul style="list-style-type: none"> • Is there a desire among affected people for <i>relief</i> and <i>resolution</i>? What are their perspectives on how these may be achieved? • What actions are the victims and/or affected persons and communities willing to take? • What are the immediate next steps? • What are the actions to take in the medium term and long term? • Who are the persons or entities that should be approached? • What are the available legal and non-legal actions? • What recourse can be taken? |
| <p>Annexes: Include relevant notes, documents, photos and references</p> | <ul style="list-style-type: none"> • Interview guides or checklists • Names and credentials of persons, designations, and institutions interviewed • Relevant maps and photos • Legal documents or letters • Reference list or sources used • List of evidence gathered (and coded) |

Annex 3.3

Balangkas (outline) para sa pagsulat ng HRV incident report

Makakatulong sa pagsusulat ng report ang pagbuo ng balangkas (outline). Ang balangkas/outline ay magagamit na gabay para maging maayos, malinaw at madaling maunawaan ang report.

Ang balangkas/outline na ito — para sa pagsulat ng report tungkol sa paglabag ng karapatang pantao/Human Rights Violation (HRV) incident — ay may pitong bahagi/sections. Ang bawat bahagi ay may mga gabay na tanong na maaring makatulong sa pagbuo ng report.

*Katulad sa panayam, ang mga balangkas na ito ay **gabay** lamang. Hindi kinakailangang sagutin lahat ng tanong at sundin ang pagkakasunud-sunod ng mga tanong sa paglatag ng impormasyon sa report. Gamitin ang mga gabay sa paraan na makakatulong sa inyo at angkop sa binubuong report.*

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| <p>Background ng monitoring</p> <p>Nakasulat dito ang layunin ng monitoring, mga hakbang na isinagawa para maipon ang mga impormasyong tinatalakay sa report, petsa kung kailan nagsimula at natapos ang pagkalap ng impormasyon.</p> <p>Nakalagay din dito ang focus ng report — ano ang minonitor at bakit ito minonitor.</p> <p>Ipinapaliwanag din kung paano nagsimula ang pagsisiyasat.</p> <p>Sa bahaging ito rin ipinapakilala ang mga tao o monitoring team. Kasama din dito ang pagpapakilala ng kanilang adbokasiya at ginagawa/kaugnayan sa komunidad.</p> | <ul style="list-style-type: none">• Ano ang layunin ng pagmonitor? Ano ang minonitor at bakit?• Ito ba ay bagong kaso, o pagpapatuloy ng isang umiiral na kaso? (banggitin ang reference number ng kaso kung meron na)• Bakit ginagawa ang monitoring? Mayroon bang reklamo, alegasyon, pangyayari, o naiulat na insidente?• Kailan isinagawa ang monitoring?• Sino-sino ang mga sangkot o kasama sa pagkondukta ng monitoring? Galing ba sila sa ibat ibang institusyon (private o public)? Kung oo, saang mga institusyon sila galing?• Mayroon bang mga hamon/kahirapan (challenges) naranasan habang ginagawa ang monitoring?• Para kanino o para saan ang ulat na ito? |

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| <p>Pinanggalingan (sources) ng impormasyon at pamamaraan (methods) sa pangangalap/pagkuha ng impormasyon</p> <p>Nagbibigay ito ng kabuuang pagtingin sa mga pamamaraang ginamit sa pagkuha ng impormasyon, na ginamit bilang basehan ng report.</p> <p>Ipinapakita dito kung gaano kasinsin at batay sa tunay na pangyayari ang paglalahad ng impormasyon sa imbestigasyon.</p> <p>Isinusulat din dito kung gaano kalantad at tapat (transparent) ang pagbuo ng mga konklusyon sa report.</p> | <p><i>Tungkol sa mga pinagmulan ng impormasyon</i></p> <ul style="list-style-type: none"> • Ano ang mga pinanggalingan ng impormasyong sa report? • Gumamit ba ng mga secondary sources o batayan? • Nagsagawa ba ng pagbisita sa lugar (site visit)? • Gumamit ba ng mga opisyal na dokumento? • Ano pa ang mga nakuhang ebidensya na direktang may kinalaman sa pangyayari (material evidence obtained)? <p><i>Tungkol sa mga pamamaraan (method/procedure) na ginamit</i></p> <ul style="list-style-type: none"> • Anong mga hakbang ang ginawa para suriin (analyze) ang impormasyon at makabuo ng mga konklusyon? • Nagsagawa ba ng mga panayam? Ilan? Sinu-sino ang nakausap (hal. biktima, saksi, eksperto, opisyal)? • Naisama ba ang mga kababaihan sa proseso? Kung oo, paano sila isinama sa proseso? Kung hindi, bakit hindi? <p><i>Tungkol sa mga limitasyon sa pangangalap ng impormasyon</i></p> <ul style="list-style-type: none"> • Ano ang mga limitasyon o kakulangan na naranansan sa pagsasagawa ng imbestigasyon? • Naging hadlang ba ang usapin ng kaligtasan (security issues) sa pangangalap ng impormasyon? <p><i>Tungkol sa pagsusuri (pag-assess) ng impormasyon</i></p> <ul style="list-style-type: none"> • Anong mga hakbang o salik (factors) ang nakatulong para matiyak ang pagiging totoo, tama, at pagiging kapani-paniwala ng impormasyon? • Ano ang mga posibleng pagkiling (bias) ng mga taong pinagkunan ng impormasyon? • Aling datos o impormasyon ang hindi na napapanahon (luma na o outdated)? |

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| <p>Pinanggalingan (sources) ng impormasyon at pamamaraan (methods) sa pangangalap/pagkuha ng impormasyon</p> | <p><i>Tungkol sa pagsusuri/pag-aaral (assessment) at pagbuo ng konklusyon</i></p> <ul style="list-style-type: none"> • Anong mga proseso ang sinunod sa pagmonitor? • Mayroon bang mga aral (lessons learned) na pwedeng ma- apply sa mga susunod na pagmonitor? |
| <p>Pagkwento/pagsaad ng pangyayari (Narrative of events/Facts of the case)</p> <p>Ito ang pangunahing bahagi ng report. Naglalaman ito ng salaysay ng mga mahahalagang insidente, mga ginawang aksyon, at mga pagtugon sa mga pangyayaring may kaugnayan sa insidente.</p> <p>Naka-focus ito sa paglalantad ng mga pangyayari o isyu. Kasama rito kung paano maaaring nagsimula o lumala ang alitan o away, sa pagdaan ng panahon.</p> | <p><i>Bago ang insidente</i></p> <ul style="list-style-type: none"> • Ano ang mga nangyari bago ang insidente? Ilarawan/Ikwento ang mga mahahalagang pangyayari bago umabot/humantong sa insidenteng pinag-uusapan. • Ano ang direkta o huling pangyayaring naganap (proximate cause), bago nangyari ang insidente? <p><i>Sa panahon ng insidente (Ito ang pinaka-detalyadong bahagi)</i></p> <ul style="list-style-type: none"> • Ano mismo ang naganap? Kailan, saan, at paano ito nangyari? Kung maaari, ikuwento ang naganap ayon sa pagkakasunud-sunod ng pangyayari (chronological order). • Sino-sino ang mga sangkot? Sino ang/mga biktima? Sino ang/mga itinuturong salarin? • Mayroon bang mga saksi? • Ano ang mga direktang resulta ng nangyari? May mga nasugatan ba? May mga taong naapektuhan? May nasirang ari-arian (mga bahay, pananim, alagang hayop)? • Naapektuhan ba ng insidente ang kalagayan ng mga kababaihan/Kabataan? Kung oo, paano sila naapektuhan? • May iba pa bang mga testimonya, naitalang salaysay/pangyayari, o direktang ebidensiya tungkol sa insidente? <p><i>Pagkatapos ng Insidente</i></p> <ul style="list-style-type: none"> • Ikuwento kung ano ang nangyari sa lahat ng partido matapos ang insidente. Sino ang nakipag-usap kanino? Ano ang mga nasabi ng bawat isa? Kung may isinulat (report man o liham), sino ang nagsulat, ano ang isinulat, at kailan? Isama ang mga detalye at resulta ng anumang forensic o pagsisiyasat na isinagawa ng ibang mga imbestigador. |

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| <p>Pagkwento/Pagsaad ng pangyayari (Narrative of events/Facts of the case)</p> | <ul style="list-style-type: none"> • Ikuwento kung ano ang nangyari sa lahat ng partido matapos ang insidente. Sino ang nakipag-usap kanino? Ano ang mga nasabi ng bawat isa? Kung may isinulat (report man o liham), sino ang nagsulat, ano ang isinulat, at kailan? Isama ang mga detalye at resulta ng anumang forensic o pagsisiyasat na isinagawa ng ibang mga monitor. • Naireport ba ang insidente sa mga awtoridad? Tumugon ba sila? May mga aksyon ba silang isinagawa kaugay sa insidenteng inireport? • Ano ang kasalukuyang estado ng kaso? • Anong ginawa ng mga taong apektado ng insidente? Kung meron man. • May kagustuhan ba ang mga apektadong tao na magkaroon ng lunas o resolusyon ang isyu nila? Ano ang kanilang pananaw kung paano mareresolba o matatapos ang isyu? |
| <p>Pagsusuri/Pag-aaral sa mga ugat o sanhi ng insidente (examining the underlying reasons or causes of the incident)</p> | <ul style="list-style-type: none"> • Ito ba ay isang hiwalay na insidente, o bahagi ng isang pattern o paulit-ulit na pangyayari? • Sino ang nagsagawa ng paglabag, at/o sino ang pumapayag o hinahayaan na lang na mangyari ang paglabag na ito? • Mayroon bang mga palatandaan, indikasyon o dahilan kung bakit naganap ang insidente? May ebidensya o testimonya ba na nagpapatunay o sumusuporta rito? |
| <p>Pagsusuri (Assessment)</p> | <p><i>Suriin ang insidente kaugnay ng mga sumusunod:</i></p> <ul style="list-style-type: none"> • Mga balangkas na legal at patakaran (Legal and Policy Framework). May mga batas bang nalabag? Nasunod ba ang due process? Nagkaroon ba ng pagkukulang sa pagpapatupad ng batas? May mga kakulangan ba sa mga umiiral na patakaran/polisiya? • Mga pamantayan sa karapatang pantao. May mga palatandaan o pattern ba ng pang-aabuso? May mga paglabag ba sa karapatang pantao? Anong mga karapatan ang nalabag? (hal. karapatan sa lupa, due process, kaligtasan, kabuhayan) |

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| <p>Pagsusuri (Assessment)</p> | <ul style="list-style-type: none"> • Relasyon sa kapangyarihan (Power Relations). Ano ang ipinapakita ng impormasyon tungkol sa pamamahala o dynamics ng kapangyarihan? Tungkol sa mga motibo ng mga sangkot sa isyu? Tungkol sa relasyon ng kasarian (gender relations)? • Mga ugat o batayang isyu (Root causes or structural issues). Anu-anong mga batayang isyu ang may kinalaman sa insidente? (hal. kawalan ng kasiguraduhan sa pagmamay-ari ng lupa, diskriminasyon, militarisasyon) • Mga nagtutulak o sanhi. Ano ang mga nagtutulak o mitsa ng alitan o away sa lupa na may relasyon sa paglabag sa karapatang pantao? <p>Suriin ang kasalukuyang kalagayan:</p> <ul style="list-style-type: none"> • Mayroon bang patuloy na panganib, pagbabanta, pananakot, o naramdamang takot ang/ang mga biktima at kanya/kanilang mga pamilya? Kaninong buhay, kalusugan, kaligtasan, at ari-arian ang nasa panganib? • May ahensiya ba ng pamahalaan ang tumulong sa mga biktima? Anong uri ng tulong ang naibigay? May ginawa bang hakbang ang pamahalaan para maiwasang maulit ang mga insidente/karahasan? • May mga tao o organisasyon bang hindi galing sa pamahalaan ang tumulong sa komunidad? Anong uri ng tulong ang naibigay o patuloy na ibinibigay? • Tungkol sa mga opisyal ng gobyerno at iba pang tagapamahala sa gobyerno (duty-bearers and other actors): Ano ang kanilang mga tungkulin at pananagutan para tugunan o aksyunan ang sitwasyon o isyu? • Mayroon pa bang ibang mga aktor o institusyon na maaaring magbigay ng tulong sa mga biktima? |
| <p>Mga konklusyon at mga dapat gawin/hakbang na isasagawa (Conclusions and action/s to be taken)</p> | <ul style="list-style-type: none"> • Anu-anong mga legal, administratibo, o institusyonal na hakbang ang maaaring gamitin para maresolba o malunasan ang sitwasyon o problema? • Ano pa ang ibang maaaring gawin? |

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| <p>Annexes (Kalakip na dokumento):</p> <p><i>Isama sa bahaging ito ang mga kaugnay na tala, dokumento, larawan, at mga sanggunian (references) na sumusuporta sa mga nilalaman ng ulat.</i></p> | <ul style="list-style-type: none"> • Mga gabay sa panayam o checklist • Mga pangalan at credentials ng mga taong nakapanayam, kasama ang kanilang katungkulan at pinagmulang institusyon o organisasyon • Mga kaugnay na mapa at larawan • Mga legal na dokumento o sulat • Talaan ng mga sanggunian o pinagkunan ng impormasyon (list of references and sources) • Listahan ng mga ebidensiyang nakalap (nakalista ng maayos – coded) |

Annex 3.4

Balangkas (outline) para sa pagsulat ng land conflict case report

*Katulad ng balangkas para HRV Case Report, ang balangkas na ito para sa Land Conflict Case Report (Alitan/Hidwaan tungkol sa usaping lupa), ay **gabay** lamang para tulungan ang tagasulat na makabuo ng malinaw, maayos at madaling maunawaan na ulat.*

Hindi kinakailangang sagutin lahat ng tanong at sundin ang pagkakasunud-sunod ng mga tanong sa paglatag ng impormasyon sa report. Gamitin ang mga gabay sa paraan na makakatulong sa inyo at angkop sa binubuong report.

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| 1. Overview ng report | |
| <p>1.1. Pinagmulan ng imbestigasyon (Background of the investigation)</p> <p>Nakasulat dito ang layunin ng imbestigasyon, mga hakbang na isinagawa para maipon ang mga impormasyong tinatalakay sa report, petsa kung kailan nagsimula at natapos ang imbestigasyon.</p> <p>Ipinapaliwanag din dito kung paano nagsimula ang pagsisiyasat.</p> <p>Sa bahaging ito rin ipinapakilala ang mga tao o monitoring team. Kasama din dito ang pagpapakilala ng kanilang adbokasiya at ginagawa/kaugnayan sa komunidad.</p> <p>Ipinapaliwanag din sa bahaging ito paano nalaman ng organisasyon (o kung sino man ang gumagawa ng report) ang tungkol sa kaso o isyu sa lupa.</p> | <ul style="list-style-type: none"> • Ano ang layunin ng monitoring? Ano ang minomonitor, at bakit? • Para kanino o para sa anong layunin isinulat ang ulat na ito? • Ito ba ay bagong kaso o pagpapatuloy ng isang umiiral na kaso o isyu? (Banggitin ang sanggunian/references) • Ano ang layunin ng monitoring? Ano ang minomonitor, at bakit? • Para kanino o para sa anong layunin isinulat ang ulat na ito? • Ito ba ay bagong kaso o pagpapatuloy ng isang umiiral na kaso o isyu? (Banggitin ang sanggunian/references) • Ano ang basehan ng imbestigasyon? May nagreklamo ba? May mga alegasyon, pangyayari, o naiulat na insidente? • Kailan ginawa ang monitor? • Sino-sino ang mga kasama sa pagmonitor o pananaliksik (research)? • Mayroon bang mga hamon o suliraning naranasan sa panahon ng pagsisiyasat? |
| <p>1.2. Kabuuang metodolohiya (Overall methodology)</p> <p>Ipinaliliwanag sa bahaging ito kung paano nakuha at naipon ang mga impormasyon.</p> <p>Nilalahad din dito kung gaano kasinsin, kalinaw, detalyado, at tumpak (fact based) ang pangangalap ng impormasyon para sa ulat na ito.</p> | <ul style="list-style-type: none"> • Anu-anong mga paunang hakbang (preliminary steps) ang ginawa bago ang pagsisiyasat/imbestigasyon? • Paano isinagawa ang mga panayam? Paano pinili ang mga ininterbyu at/o mga saksi? • Sinu-sino ang mga tumulong sa pangangalap ng impormasyon? • Paano hiniling at napatotohanan (na-certify) ang mga opisyal na dokumento? • Mayroon bang mga pagsisikap na ginawa upang patotohanan at i-fact-check ang mga pahayag at dokumento? |

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| <p>1.2. Kabuuang metodolohiya (Overall methodology)</p> | <ul style="list-style-type: none"> • Paano isinama ang mga kababaihan sa proseso? • Nasunod ba ang mga hakbang sa pagsiguro ng seguridad ng mga miyembro ng monitoring team sa panahon ng fact-finding activity? |
| <p>1.3. Mga Pinagmulan ng mga nakuhang impormasyon (Sources of information)</p> <p>Nagbibigay ito ng kabuuang pagtingin sa mga pamamaraang ginamit sa pagkuha ng impormasyon, na ginamit bilang basehan ng report.</p> <p>Ipinapakita rito kung gaano kasinsin, at batay sa tunay na pangyayari ang paglalahad ng impormasyon sa monitoring.</p> <p>Isinusulat din dito kung gaano kalantad at tapat (transparent) ang pagbuo ng mga konklusyon sa report.</p> | <p><i>Tungkol sa mga pinagmulan ng impormasyon</i></p> <ul style="list-style-type: none"> • Ipaliwanag ang mga pinagkunan ng impormasyong ginamit sa ulat na ito. <p>Kasama rito ang:</p> <ul style="list-style-type: none"> - Mga sanggunian mula sa mga ibang pag-aaral, balita , libro, publications, online materials atbp. (secondary sources) - Mga opisyal na dokumento. Anong uri (hal. mga mapa, opisyal na ulat, statistical data)? Mula sa aling mga ahensiya o institusyon? - Pagbisita sa lugar at mga panayam (site visits) - Iba pang pinagkunan ng impormasyon <ul style="list-style-type: none"> • Mayroon bang mga dokumento o mahahalagang ebidensiya na nakuha? Paano ito nakuha? <p><i>Tungkol sa saklaw at mga limitasyon</i></p> <ul style="list-style-type: none"> • Mayroon bang mga kakulangan o limitasyon sa mga paraan na ginamit para makuha ang impormasyon? • Ano ang kakayahan ng monitoring o fact finding team sa pangangalap ng impormasyon at ebidensiya? • Naging hadlang ba ang usapin ng kaligtasan sa pagkuha ng impormasyon? • Napapanahon ba o angkop sa kasalukuyan (current or up to date) ang mga nakuhang impormasyon? <p><i>Tungkol sa pagbuo ng pagsusuri at mga rekomendasyon</i></p> <ul style="list-style-type: none"> • Anu-anong mga ginawang hakbang para masuri ang impormasyon at makabuo ng mga konklusyon? |

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| <p>1.3. Mga Pinagmulan ng mga nakuhang impormasyon (Sources of information)</p> | <ul style="list-style-type: none"> • Naibahagi ba ang mga paunang resulta ng report (initial findings) sa komunidad o sa iba pang mga institusyon para makatulong sa pagbubuo ng pagsusuri at mga rekomendasyon? |
| <p>2.1. Konteksto ng Komunidad o Lokal na Kalagayan (Community or local context)</p> <p>Inilalarawan dito ang lokal na kontekstong ginagalawan ng:</p> <ol style="list-style-type: none"> a. Komunidad b. Pinag-aagawang lugar, lalo na kung may alitang may kinalaman sa lupa o pinagkukunang likas-yaman (land or resource conflict) | <ul style="list-style-type: none"> • Ilarawan nang maikli ang buong komunidad batay sa mga tao, lupa, at kabuhayan nila: <ul style="list-style-type: none"> - Ilan ang kabahayan (household) sa komunidad? Ilarawan ang kanilang panlipunan at pang-ekonomiyang kalagayan (social and economic background). - Ano ang kondisyon ng kanilang pamumuhay at pinagkukunan ng kabuhayan? - Mayroon bang mga organisasyon, samahan, o institusyong sa komunidad? - Ano ang mga pisikal na katangian at gamit ng lupang pinag-aagawan/ dahilan ng isyu? • Paano pinamamahalaan at kinokontrol ang lupa sa ngayon? • Ano ang mga ginagampanang papel ng kababaihan? • Ano ang kalagayan ng hawak/control sa lupa (tenurial status) o batayan ng pag-aangkin sa lupa ng mga may karapatan dito? • Mayroon bang legal na batayan at mga dokumentong magpapatunay ng pagmamay-ari o karapatan sa lupa ng mga tao/komunidad? |
| <p>2.2. Mga pangyayari kaugnay sa alitang panlupa (Facts of the land conflict)</p> <p>Kinukwento dito ang mga kaganapan at pangyayari kaugnay sa away sa lupa. Kasama rito ang mga mahahalagang insidente, mga ginawang hakbang, at mga naging tugon.</p> <p>Kabilang din dito kung paano nagsimula, naayos, o lumala ang alitan sa paglipas ng panahon.</p> | <ul style="list-style-type: none"> • Ilarawan ang alitan at isalaysay ang mga pangyayari, kabilang ang mga sumusunod: <ul style="list-style-type: none"> - Ano ang mga huling pangyayari bago ang insidente? - Ano ang mga palatandaan ng away sa lupa (markers for land conflict) ? Ano ang detalye ng mga naganap? - Ano ang mga direktang resulta ng mga pangyayaring nabanggit? Mayroon bang mga nasugatan o negatibong epekto sa kalusugan ng mga komunidad? Naapektuhan ba ang kabuhayan at/o kalagayan ng pamumuhay ng mga tao? Mayroon bang pangmatagalang pinsala sa lupa o likas-yamang pinagkukunan? |

| Section | Guide questions |
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| <p>2.2. Mga pangyayari kaugnay sa alitang panlupa (Facts of the land conflict)</p> | <ul style="list-style-type: none"> - Paano tumugon ang mga apektadong miyembro ng komunidad? - Anong uri ng lupa ang may alitan? Gaano kalaki ang saklaw ng apektado o pinag-aagawang lupa/lugar? - Sino-sino ang mga partido na kasangkot sa away o gulo? - Sino-sino ang mga biktima, apektadong tao/komunidad? Ilan ang mga apektadong indibidwal at kabahayan? Ilan dito ang mga kababaihan? - Sino-sino ang mga may nagbabanggaan na claims sa lupa? Mayroon pa bang ibang mga stakeholder na may interes sa alitang ito? Anu-anong mga interes nila? <ul style="list-style-type: none"> • Mayroon bang ibang mga testimonya, naitalang salaysay/pangyayari, o ebidensiya tungkol sa away o gulo? • Ano ang kasalukuyang estado ng kaso at/o isyu? • May iba pa bang kinahaharap na kaso ng away o gulo sa lupa ang komunidad? |
| <p>2.3. Pagsusuri sa mga ugat at sanhi ng alitan/gulo (Examining the underlying reasons and causes of conflicts)</p> <p>Sinusuri sa bahaging ito ang kasaysayan ng alitan sa lupa para matukoy ang mga nagtutulak (drivers), nagpapasimula (triggers), at mga batayang kalagayan (underlying conditions) na nagiging dahilan o nagpapalala sa sigalot o away (conflict).</p> | <ul style="list-style-type: none"> • Pagsusuri ng kasaysayan ng alitan: Gaano na katagal ang isyu sa lupa? Kailan at paano ito nagsimula? Paano ito nagpatuloy sa paglipas ng panahon? • Mga nagtulak na mangyari ang isyu sa lupa o pangmatagalang estruktural na sanhi (drivers or structural causes): Anong mga pangyayari sa kasaysayan, pampulitika, o legal na isyu ang nakapagpalalim sa alitang panlupa? <ul style="list-style-type: none"> - Mayroon bang mga hindi pa nareresolbang isyu tungkol sa pag-aangkin ng lupa (land claims), magkakapatong (overlapping) na tenurial arrangements, o hindi malinaw na mga titulo sa lupa? - Paano nakaapekto ang mga polisiya ng pamahalaan, batas sa lupa, o mga proyektong pangkaunlaran (development projects) sa alitan? - Mayroon bang mga interes na pang-ekonomiya (economic interests) na nagpapalala o nagpapalawig sa alitan? |

| Section | Guide questions |
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| <p>2.3. Pagsusuri sa mga ugat at sanhi ng alitan/gulo (Examining the underlying reasons and causes of conflicts)</p> | <ul style="list-style-type: none"> - May mga pattern ba ng diskriminasyon o pagwawalang-bahala sa karapatan ng komunidad (hal. sa mga katutubong mamamayan, kababaihan, o mga nangungupahan sa lupa)? • Mga pangyayari na nag-udyok o nagpasiklab ng away/alitan sa lupa: Anong partikular na pangyayari o aksyon ang nagpasimula o nagpalala sa alitan? <ul style="list-style-type: none"> - May naganap ba, nagaganap pa lang, o katatapos pa lamang na transaksyon sa lupa o konstruksyon na may epekto sa lupa o likas yaman? - Nagkaroon ba ng komprontasyon, pagpapalayas, pag-aresto, o insidente ng karahasan? - May naganap bang administratibo o legal na desisyon (hal. paggawad o pagkansela ng lupa, o desisyon ng korte)? • Mga batayang kalagayan o sitwasyon na nagpapahintulot na maganap ang hidwaan (underlying conditions and enabling environment): Anong mga kondisyon ang nagdulot ng kahinaan o pagiging vulnerable ng komunidad dahil sa away/alitan sa lupa? <ul style="list-style-type: none"> - Mayroon bang hindi malinaw o hindi kinikilalang karapatan sa pagmamay-ari ng lupa, o kawalang katiyakan sa hawak o kontrol sa lupa (land tenure insecurity)? - Mahina o wala bang mga institusyon para sa pagresolba ng mga alitang panlupa? - May kawalan ba ng balanse sa kapangyarihan ang mga panig na kasangkot? - May takot, kawalan ng tiwala, o kakulangan sa pag-uusap sa pagitan ng mga stakeholder? - May mga armadong grupo, private guards, o iba pang pwersang nakikialam sa alitan? • Ano ang mga ebidensiya at testimonya na sumusuporta sa ipinaglalaman ng mga rights holders sa lupa? |

| Section | Guide questions |
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| <p>2.4. Mga aksyon at hakbang na isinagawa ng gobyerno at iba pang mga stakeholder (Actions and measures taken by the government and other stakeholders)</p> <p>Tinutukoy sa bahaging ito ang mga positibong hakbang o aksyon na isinagawa upang tugunan ang problema.</p> <p>Layunin din ng bahaging ito na makatulong sa pagpapalano ng mga susunod na hakbang para maresolba o matugunan ang kaso ng paglabag sa karapatang pantao (HRV) o alitang panlupa.</p> | <ul style="list-style-type: none"> • Agarang mga tugon (Immediate responses): May ahensiya ba ng pamahalaan na tumulong sa mga biktima? Anong uri ng tulong ang naibigay? May ginawa bang hakbang ang alin mang ahensiya ng pamahalaan para hindi na maulit ang ganitong mga insidente? • May mga tao o organisasyon bang tumulong sa komunidad (bukod sa mga ahensya ng pamahalaan)? Anong uri ng tulong ang ibinigay? • Mga iba pang hakbang o efforts para maresolba ang alitan: Kumilos ba ang mga awtoridad tungkol sa kaso/away sa lupa? Aling mga ahensiya ng pamahalaan ang sangkot, at anong mga hakbang ang kanilang ginawa? • Anu-anong mga problema o isyu tungkol sa away/kaso sa lupa ang nalutas dahil sa kilos (intervention) ng isang ahensiya ng pamahalaan? Ilarawan/Isalaysay ito. • Mayroon pa bang ibang mga stakeholders ang gumagawa ng paraan para maresolba ang kaso o partikular na mga isyu ng komunidad? • Nakuntento/Nasiyahan ba ang mga rights holders ng lupa sa mga naging tugon at resulta nito? |
| <p>3.1. Pagsusuri (Assessment)</p> <p>Isinasagawa sa bahaging ito ang pagsusuri ng alitan sa lupa gamit ang mga pangunahing batayan o pamantayan (key parameters).</p> <p>Kabilang dito ang mga posibleng epekto (consequences) ng alitan sa lupa kung hindi ito maresolba.</p> <p>Kasama din dito ang pagsusuri sa mga:</p> <ol style="list-style-type: none"> umiiral na batas at patakaran, pamantayan sa karapatang pantao, papel (roles) ng mga may pananagutan (duty-bearers) at mga may karapatan (rights holders), at ang mga batayang panlipunan o estruktural na isyung (societal and structural issues) nakapaloob sa alitan. | <p>Suriin ang kaso/isyu kaugnay ng:</p> <p>Posibleng epekto (consequences)</p> <ul style="list-style-type: none"> • Ano ang maaaring mangyari kung hindi matugunan o maresolba ang alitang panlupa? • Ano ang panandalian, di kahabaan, at pangmatagalang epekto sa mga apektadong tao at/o komunidad? (short-term, medium-term, and long-term effects)? <p>Mga legal na balangkas at patakaran (legal and policy frameworks)</p> <ul style="list-style-type: none"> • Aling mga batas at patakaran ang may kinalaman sa alitan? Kailan ipinatupad ang mga batas, patakaran, at/o desisyong ito? • May mga batas bang nalabag? Nasunod ba ang due process? Nagkaroon ba ng pagkukulang sa pagpapatupad ng batas? May mga puwang ba sa mga patakaran? |

| SECTION | GUIDE QUESTIONS |
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| <p>3.1. Pagsusuri (Assessment)</p> | <p><i>Mga pamantayan (standards) sa karapatang pantao</i></p> <ul style="list-style-type: none"> • May mga palatandaan o pattern ba ng pang-aabuso? May mga paglabag ba sa karapatang pantao? • Aling mga karapatan ang nalabag? (hal., karapatan sa lupa, due process, kaligtasan, kabuhayan) • Mayroon bang panganib, pagbabanta, pananakot, o naramdamang takot ang mga biktima at kanilang pamilya? Kaninong buhay, kalusugan, kaligtasan, at ari-arian ang nanganganib? <p><i>Batayang estruktural na isyu (underlying structural issues)</i></p> <ul style="list-style-type: none"> • Anong mga batayang isyu (hal. kawalan ng seguridan sa lupa, diskriminasyon, militarisasyon) ang lumalaganap? • Ano ang sinasabi ng mga nakalap na impormasyon at findings tungkol sa pamamahala o ugnayan ng kapangyarihan (power relations)? Ano ang lumalabas na motibo ng mga sangkot sa paglabag? Ano ang masasabi ng nakalap na impormasyon tungkol sa gender relations? <p><i>Duty-bearers at iba pang aktor</i></p> <ul style="list-style-type: none"> • Ano ang mga papel at pananagutan nila sa pagtugon sa sitwasyon? • Bukod sa pamahalaan, alin pang mga duty-bearers o bahagi ng komunidad ang dapat kumilos upang maresolba ang alitan? <p><i>Inaasahan ng mga rights holder</i></p> <ul style="list-style-type: none"> • Anong uri ng resolusyon ang kanilang hinihiling? Ano ang kanilang inaasahan? • Anong mga tulong o remedyo ang inaasahan ng mga rights holder sa panandalian, katamtamang panahon (medium-term), at pangmatagalan? |
| <p>3.2 Mga konklusyon at mga dapat gawin/ mga susunod na hakbang (Conclusions and action/s to be taken)</p> | <ul style="list-style-type: none"> • May kagustuhan ba ang mga apektadong tao/komunidad na mabigyan ng lunas at resolusyon ang kanilang isyu sa lupa? Ano ang kanilang pananaw kung paano ito maaabot? • Anu-anong mga hakbang ang handang gawin ng mga biktima at/o mga apektadong tao at komunidad? • Ano ang mga agarang susunod na hakbang na dapat gawin? |

| Section | Guide questions |
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| <p>3.2 Mga konklusyon at mga dapat gawin/ mga susunod na hakbang (Conclusions and action/s to be taken)</p> | <ul style="list-style-type: none"> • Anu-anong mga hakbang ang dapat isagawa para mabigyan lunas ang isyu (medium term at long term na mga plano)? • Sino-sino ang mga tao o institusyon na dapat lapitan? • Anu-anong mga legal at metalegal na aksyon ang maaaring isagawa? • Ano ang mga iba pang paraan o remedyo na maaaring gawin? |
| <p>Mga kalakip (Annexes):</p> <p>Isama sa bahaging ito ang mga kaugnay na tala, dokumento, larawan, at sanggunian na sumusuporta sa ulat.</p> | <ul style="list-style-type: none"> • Mga gabay sa panayam o tseklis • Mga pangalan at credentials ng mga taong ininterbyu, kasama ang kanilang katungkulan at pinagmulan na institusyon • Mga kaugnay na mapa at larawan • Mga legal na dokumento o liham • Talaan ng mga sanggunian o pinagkunan ng impormasyon • Listahan ng mga ebidensiyang nakalap (at nakaayos o may kodigo) |

Chapter 4

Discussing with affected families to find pathways for seeking relief and remedy

This chapter seeks to provide victims or affected families a direction on how, where, or when to seek relief from the human right violation (HRV) or land conflict they experienced or are experiencing. These are part of transitional justice as used in human rights terms. The chapter also provides the CSO guidance on how to deal with families who are grieving, but at the same time seeking justice, through the discussion of issues and conflicts faced.

In many cases, it is important to share findings with affected families and to engage them in a two-way discussion. This is essential to fact-check and verify critical information; and, to allow families to express their *needs* – whether they seek justice, immediate relief, or reparations.

Be understanding and familiar with the physical, emotional, and psychological state of the immediate families of the victims and affected communities. Nonetheless, never discount the victim's or community's resistance and resilience and assume that they are not ready or debilitated to pursue accountability measures.

The discussion requires sensitivity, since historically marginalized communities may have mistrust of outsiders because of past or continuing social injustices. Victims who suffer from post-traumatic stress disorder are usually guarded and suspicious. It requires *trust-building* and *skilled facilitation*, especially when dealing with a large group of people.

Be mindful of the noise. In these situations, many offer aid and assistance, but based on different motives. Trust-building will be difficult when it appears that the victims or affected persons have many options. Earning trust becomes a very delicate matter.

The first step is to set the groundwork for a meeting. Engage affected families early to gain entry and trust. Clarify the purpose of the discussion – e.g., to understand the conflict *together* (not just to assign blame), and to discuss what actions to do *next*.

Box 15

There are principles observed in helping HRV victims that can be applied and adopted for the process discussed in this chapter:

- Assistance and support for all victims regardless of one's willingness to cooperate or participate in an accountability procedure.
- Assistance and support should be victim-centered, rights-based, age/disability/gender-sensitive, non-discriminatory and culturally appropriate, keeping in mind the best interest of the victim/s.
- Assistance should observe the principle of "do no harm" and should take measures to protect the victim from retaliation, re-victimization, and re-traumatization.
- Observe victim/s' right to privacy, confidentiality, and informed consent, including any progress on the action taken on their behalf.
- Victim/s has/have the right to pursue accountability.

Source: United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse (12 December 2019)

Discuss only with those persons and families who are *directly* involved in the incident or case. Oftentimes, a trusted intermediary is necessary to make arrangements for the meeting. Ensure the presence of people who may not be directly involved in the incident or case, but are crucial to whatever decisions that will be made. They may include elders, spouses and family members. Other people may be invited only upon the request and consent of the victim/s, affected persons or families. The CSO or agency must exercise discretion, as there may be cases where a member of the extended family is more trusted than those in the immediate family; in such situations, the participation of that trusted relative should be allowed. It is crucial to ensure a *safe space* for discussion, and to establish ground rules (respect, listening, confidentiality).

Discussing an incident

In the aftermath of a human rights violation (HRV) or a significant event (markers) in a land conflict case, engaging with victims and affected families requires deep sensitivity, trust-building, and a clear purpose.

Thus, even the timing and schedule of the meeting should take into account the general welfare of the participants. Grief and trauma may even prevent them from thinking of ways forward; hence the discussion should take place when they are ready to talk about the incident or event. However, there are those who are ready to speak and tell their story; one should be able to identify them.

The dialogue must not only acknowledge their trauma but also empower them to assert their rights and define the path forward. Avoid referring to them as "victims" or

“survivors” and call them by their names instead. In facilitating the dialogue, the following key topics and critical considerations may be addressed:

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| <p><i>Immediate needs, safety and relief</i></p> | <ul style="list-style-type: none"> • Is the family or victim still in danger? What are the persisting threats? • Do they need relocation, medical care, trauma support, or legal protection? • Are women, children, elders, or specific persons especially vulnerable? • Are there signs of trauma, grief, anger, or fear? What kind of support do they feel comfortable receiving? |
| <p><i>Understanding the incident or event</i></p> | <ul style="list-style-type: none"> • What exactly happened, and when? Who were involved (perpetrators, witnesses, responders)? Who are the duty-bearers? • What kind of power do the perpetrators or adversarial claimant hold (money, influence, political position)? • Were there prior threats, patterns, or unresolved conflicts? Was the incident linked to land or resource conflicts, political action, or others? |
| <p><i>Understanding the incident or event</i></p> | <ul style="list-style-type: none"> • What are the drivers, triggers, and latent conditions present in the community that point to a land conflict case linked to the incident? |
| <p><i>Seeking justice and accountability</i></p> | <ul style="list-style-type: none"> • Do the victims want to pursue justice? What form do they expect (e.g., legal, community-based mediation, truth-telling)? • What is their concept of justice? What does justice mean to them if they pursue available legal remedies? • If there is damage to property or livelihood, what would make them whole again? • Are they ready to speak publicly, or file complaints? What are their fears and concerns in taking legal or non-legal action (e.g., resources, time, corrupt system, etc.)? • If the incident is linked to land conflict cases, what is the resolution they envision? • What are their fears or concerns about possible retaliation? |
| <p><i>Pathways for seeking support and resources</i></p> | <ul style="list-style-type: none"> • Are there referral and support mechanisms that they trust? • What support can these groups provide (e.g., legal assistance, psychosocial help, emergency relief, or advocacy)? • Are they available to the victims or community? |
| <p><i>Participation</i></p> | <ul style="list-style-type: none"> • How do they want to be involved in decisions or actions in going forward? • What is their capacity or willingness to engage with authorities, media, or civil society? • Do they want to link or organize with others similarly affected? |

When holding these conversations, it is important to be sensitive to cultural norms and values. Consider how local practices, religious beliefs or specific situations may shape how families process and respond to the incident. Likewise, gender dynamics may influence how the community acts, especially when women are not given an opportunity to participate in decision-making. Before encouraging victims to speak out or take legal action, help them weigh the risks and discuss any protective measures that may be necessary.

Clearly explain your capacity to help, and the limits to what you are able to do or provide. Refrain from raising any false expectations or promising results. It is better to say that you do not know, rather than to raise false hopes. Whenever possible, connect victims directly with authorities, support groups, or wider networks of solidarity – with their consent.

Finally, let victims know how their information will be used and what the next steps are. Clarify if the victims are willing to share their story, to testify, and if certain details need to be kept confidential for the moment. Documenting facts and testimonies can support justice and advocacy efforts, but must be done with informed consent and a clear understanding of how the information will be used or with whom it will be shared.

Addressing the sources of conflict

In many cases, it is essential for investigators to look beyond the immediate incident and to probe the deeper, structural causes of HRVs. Focusing solely on the HRV incident itself – without addressing the underlying issues – may offer only temporary relief.

Look for drivers, triggering events, and latent conditions that link the HRV to a land conflict case. The conflict can re-emerge over time, and similar violations may recur, especially in contexts where systemic injustices remain unresolved.

This is particularly true in situations involving land and resource conflicts, which are often deeply rooted in history, power imbalances, and overlapping claims.

If left unaddressed, these conflicts can persist across generations, continually fueling tensions and cycles of violence. There are specific indicators that suggest when land or resource conflicts are at play (see Chapter 1), and CSOs and their representatives must be alert to these signs.

Discussing an HRV or land conflict case can play a vital role in helping victims and affected families understand the broader context of their experiences. Through careful listening and dialogue, they can uncover deeper factors such as land grabbing, exclusionary policies, political repression, historical injustice, or social discrimination that may have contributed to the incident, but may yet to be obvious.

By surfacing these root causes, CSOs can guide communities in identifying possible courses of action – whether through legal remedies, policy engagement, community organizing, or dialogue with authorities – and in planning realistic responses. In doing so, the land rights monitoring process becomes a tool not only for truth-telling and accountability, but also for supporting long-term peace and justice initiatives.

In cases dealing with land and resource conflicts, the following guidelines suggest key points for dialogue with affected families and communities:

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| <p>Discuss the history and root causes of the conflict</p> | <ul style="list-style-type: none"> •What are the drivers, triggers, and latent conditions that sustain the land conflict? •What has been the main cause of the conflict? •What events led to the start of the dispute? •What changes in land use or ownership have happened over time? |
| <p>Discuss the history and root causes of the conflict</p> | <ul style="list-style-type: none"> •Are there key events or factors that made the conflict worse? •Were there efforts to resolve the conflict? <p>Use participatory tools like:</p> <ul style="list-style-type: none"> •<i>Conflict timelines</i> – to trace key events and turning points •<i>Problem tree analysis</i> – to analyze root causes and visible effects •<i>Land use maps or sketch maps</i> – to visualize competing claims and land changes |
| <p>Define the problem</p> | <p>Use a human rights lens, land rights in particular, in defining the problem. Identify the drivers, triggers, and latent conditions that make a land conflict case.</p> <p>Clearly state the problem in a way that all parties agree on. This ensures that everyone has a shared understanding of the issue at hand. The way a problem is stated is crucial; it should not only describe the issue clearly, but also point toward possible solutions and actions.</p> <p>For a well-crafted problem statement:</p> <ul style="list-style-type: none"> •Focus on root causes, not just symptoms; •Focus on the facts; •Frame the problem in a way that opens paths for action. |
| <p>Map out the stakeholders and interests</p> | <p>Identify the rights-holders, duty bearers, and other stakeholders – e.g., farmers, landowners, women, local officials, companies, organizations.</p> <p>Option: Facilitate a stakeholder mapping to explore:</p> <ul style="list-style-type: none"> •Who are involved? •What are their interests or claims? •What power do they hold? •What relief or remedy can they offer or facilitate? |
| <p>Validate and cross-check</p> | <p>Summarize and present what you have heard to the group for validation.</p> <p>Ask: “Is this an accurate picture of what is happening?” Use visuals (charts, maps, summaries) to clarify the points discussed.</p> |

| | |
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| <p>Facilitate dialogue on potential solutions</p> | <p>Lead the group to discuss possible solutions. Raise questions like:</p> <ul style="list-style-type: none"> •What outcomes do we all want? Which desired outcomes are immediate, and which ones are longer term? •What are the possible options? •What changes are needed? in practices, or policy? |
| <p>Build consensus and agree on actions</p> | <p>Use facilitation and negotiation to narrow down to practical, shared solutions</p> <ul style="list-style-type: none"> •Assess: Is there a local organization that will assume responsibility for the actions to be taken? What is the level of commitment of such organization? •Draft a community action plan or agreement: <ul style="list-style-type: none"> - What will be done? - Who will do it? - When and how will it be monitored? |
| <p>Document and follow through</p> | <p>Record the outcomes and decisions made — preferably with the conformity of the community</p> <ul style="list-style-type: none"> •Identify follow-up steps, including: <ul style="list-style-type: none"> - Support needed (e.g., legal aid, mediation, government engagement) - Monitoring mechanisms - Periodic review sessions •Validate if key assisting persons are still available and who can replace them •Assess if chosen option is still relevant |

The foregoing information may have already been touched on or gathered in the monitoring activity. These sets of information most likely appear in the report. However, the difference in this stage is that the information is being processed with the victims and/or the affected community.

In the monitoring activity, these sets of information were culled from interviews, official documents, experts, and other sources. In this process, some responses may depart from the report since they originate from the victim/s' or community's perception of adversarial claimants, institutions or even the CSO itself.

There are many options for victims and affected persons to address their situation. Advise them of the pros and cons of each path, and seek advice of experts in the relevant field. For instance, legal remedies are usually lengthy and use many resources. While having a final and favorable decision should ensure one's rights over a land or resource, its implementation or execution is another matter.

In challenging land reclassification, for instance, affected persons are faced with the operative fact that the nature of the land has changed and is often irreversible. Thus, in availing themselves of alternative modes of dispute resolution, the victims or affected persons must be willing to give concessions to arrive at a settlement in a conflict where there is already an underlying power imbalance.

In certain cases, the other party may renege on the agreement. While the foregoing may seem to be discouraging, the victims and affected persons should be tactfully informed of the realities they may face in taking action.

Most of the responses are not mutually exclusive and may be pursued at the same time. However, resources and time may limit the options. More importantly, the consensus among the affected persons on what pathways they are comfortable taking should be observed.

In KAISAHAN's experience, victims or affected persons in land conflicts do not always view legal remedies or case resolution as their primary concern. Their concerns may focus on immediate needs rather than justice. For families who have lost a member, urgent priorities may include covering burial expenses and compensating for lost income of the deceased. Many victims also seek psychosocial support, combining counseling with financial assistance or scholarships for school-age children left behind. When victims choose to defer or forgo the pursuit of justice — temporarily or permanently — their decision must be respected.

For the reader:

As a final note, this manual recognizes the difficulties and challenges in conducting human rights monitoring activities. They are not only physically draining, but can also be an emotional and psychological burden. While care and protection of the victims and affected persons are paramount, do set aside care for oneself. General health concerns, exhaustion, burnout, and vicarious trauma must not be ignored.

Seeing the after-effects of HRVs and markers of land conflict can deeply disturb one's mind and heart. Detachment from them is never easy. These are part of being human and the very reason why you do this work. Working with teams allows you to discuss and sort out the situation. It also allows you to take a break from time to time. Reach out to your CSO's officers or other organizations that deal with the psychological and emotional effects of HRVs and land conflict. This manual was crafted not only for the benefit of victims of HRVs and affected persons of land conflict, but also for you. ■

Table 4

Some pathways to deal with land conflict

| Legal Proceedings |
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| <p>Through court proceedings (Judicial Pathways)</p> <ul style="list-style-type: none"> •Initiating civil or criminal actions •Applying for land registration and related actions like <i>Quieting of Title</i> •Initiating provisional remedies like injunctions to stop evictions or land use changes •Applying for judicial writs like Writ of Kalikasan |
| <p>Through Administrative Proceedings (Includes Quasi-Judicial proceedings)</p> <ul style="list-style-type: none"> •File complaints with land agencies (e.g., DAR, DENR) •Seek review or cancellation of titles, permits, or leases •Seek challenges to land reclassification (e.g., agricultural to commercial) •Apply for land tenure regularization through government programs |
| Alternative Dispute Resolution |
| <p>Through mediation</p> <ul style="list-style-type: none"> •Refer to the <i>Katarungang Pambarangay</i> for community disputes •Seek mediation by local government officials •Allow mediation through respected third parties (e.g., NGOs, church groups) |
| <p>Through negotiation</p> <ul style="list-style-type: none"> •Negotiate an amicable resolution or settlement directly with the adversarial claimant •Engage in facilitated negotiation through a third party •Multi-stakeholder dialogues through joint problem-solving platforms involving communities, government, CSOs, and businesses |
| <p>Through customary and traditional mechanisms</p> <ul style="list-style-type: none"> •Indigenous conflict resolution through elders or councils •Ancestral domain councils (under IPRA) handling disputes within territories |
| Political and advocacy channels |
| <ul style="list-style-type: none"> •Petitions, campaigns, or public protests •Engagement with legislators or local officials to influence policy •Use of media and social platforms to raise awareness or pressure action |
| Human rights and international mechanisms |
| <ul style="list-style-type: none"> •Filing complaints with national human rights institutions (e.g., CHR) •NGO fact-finding missions and shadow reports •Appeals to international bodies (e.g., UN Special Rapporteurs) |

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United Nations High Commissioner for Human Rights (OHCHR). (2011). Chapter 12: Trauma and Self-Care. In *Manual on human rights monitoring*. UN OHCHR.

Annex 4.1

Practical tools for presenting, organizing, and analyzing information

Monitors and researchers working with complex, multi-source data — especially in human rights, land conflict, or socio-political issues — will benefit from visual and analytical tools that help make sense of the data. Below are some practical tools (both manual and digital) for finding patterns, themes, relationships, and possible causes. The links to online resources are noted below:

Timelines

This is a chronological sequence of events. Use this to understand how incidents unfolded and identify turning points or escalations.

How to do it:

1. Assess the best way to present to the target audience.
2. Gather information and research other relevant facts that may affect the timeline, e.g., date of ordinance, date of promulgation of court decision, etc.
3. Organize the events. This may be done by using cards with summaries of events. You may use a whiteboard, poster paper, or spreadsheet. Mark what happened, when, who, and where. The events may be grouped into certain periods.
4. Provide annotations for each event. Indicate why they are significant events.
5. Arrange the events in chronological order. The sequencing of events helps reveal how the developments and stories unfolded. A visual timeline, often a horizontal line drawn on paper or a whiteboard, can be used where key milestones, events, and annotations can be added or posted by the participants either directly or using cards.

References:

Birt, J. (2025 March 26). How To Create a Timeline (With Steps, Example and Tips). In indeed. <https://www.indeed.com/career-advice/career-development/creating-a-timeline>
Ferguson, O. and Heinz, K. (2004). Time Line. USAID and MEAS. <https://meas.illinois.edu/wp-content/uploads/2017/02/MEAS-Participatory-Methods-Tip-Sheet-Time-Line.pdf>
Participatory Methods (2025). *Timeline*. <https://participatorymethods.com/activities/timeline>

Event mapping/Incident mapping

This is a step-by-step reconstruction of key events in an incident. This is useful for identifying discrepancies, gaps, and triggers. While similar to a timeline, event mapping serves a different purpose since events are not necessarily arranged chronologically, but under certain categories.

It can also be used for analyzing the options for the victims and affected families through a given/when/then presentation, e.g. given the number of witnesses willing to testify, when a case is filed, then there is a higher chance of success.

References:

- Acker, J. (2022 December 12). BDD with Event Mapping. In Cucumber. <https://cucumber.io/blog/bdd-with-event-mapping/>
- Armakuni. (2024). *Extreme Discovery - Event Mapping for Behaviour Driven-Development*. <https://www.armakuni.com/insights/extreme-discovery-event-mapping-for-behaviour-driven-development/>
- Wynne, M. (2015 December 8). Introducing Example Mapping. In Cucumber. <https://cucumber.io/blog/bdd/example-mapping-introduction/>

Cause-effect (Causal) diagrams/Problem trees

This is a diagram that reveals the *causes* (roots) and *effects* (branches) of a central issue. Use this for tracing underlying causes of conflict or human rights violations.

How to do it:

1. Identify the problem or issue. Place the main issue or focal problem at the center or *trunk* of a tree. Even if stated broadly, the roots and branches will illustrate the more specific issues.
2. Identify the causes of the focal problem. These are placed at the roots of the tree. Ask: What factors caused this issue?
3. Draw the *branches* upward: What are the results of this issue? Participants identify and visually map the effects or consequences of the focal problem by drawing branches upward from the trunk. The identified effects are typically written on post-it notes or metacards and placed on the branches above the trunk of the tree.
4. Discuss the tree and be flexible to arrange what have been placed on the branches and roots. Ask: Is this an accurate representation of the conflict?
5. Document the statements, observations, opinions, or ideas.

References:

- ODI Global. (2029). *Planning tools: Problem Tree Analysis*. <https://odi.org/en/publications/planning-tools-problem-tree-analysis/#:~:text=Problem%20tree%20analysis%20is%20central,of%20understanding%2C%20purpose%20and%20action>
- Swiss Federal Institute of Aquatic Science and Technology (Eawag). (2011). D8.1 Problem Tree Analysis - Procedure and Example. In *CLUES*. https://www.eawag.ch/fileadmin/Domain1/Abteilungen/sandec/schwerpunkte/sesp/CLUES/Toolbox/t8/DB_1_Problem_Tree_Analysis.pdf

Stakeholder mapping

A visual map of people or groups involved in, or affected by, a case. Use this for understanding roles, relationships, power dynamics, and interests.

How to do it:

1. List stakeholders (e.g., community, company, police, local government). Indicate their interests, impact on the conflict, and significance compared to the other stakeholders. Map out their connections and influence. You can use “power-interest grids”; or “Venn diagrams.”
2. Assess the stakeholder’s importance and influence;
3. Point out conflicting needs and expectations e.g. local government officials oppose the filing of cases against landowners blocking agrarian reform;
4. Identify the stakeholder’s participation in the pathway/s chosen, e.g. CSO provides logistical assistance in filing cases in court.

References:

- Grassroots Collective. (n.d.). Using stakeholder analysis to identify key local actors. In *Tools for project planning in community development*. <https://www.thegrassrootscollective.org/stakeholder-analysis-nonprofit>
- Inspiring Communities. (n.d.). Stakeholder mapping. <https://inspiringcommunities.org.nz/wp-content/uploads/2021/03/Stakeholder-Mapping.pdf>
- Smith, L. W. (2000). *Stakeholder analysis: a pivotal practice of successful projects*. Paper presented at Project Management Institute Annual Seminars & Symposium, Houston, TX. Newton Square, PA; Project Management Institute

SWOT analysis (Strengths, Weaknesses, Opportunities, Threats)

This is a quadrant analysis for a group or process. It is used for understanding internal and external factors affecting a community's situation.

How to do it:

1. Draw four quadrants, marked as strengths, weaknesses, opportunities, threats.
2. Explain what a strength, weakness, opportunity, and a threat and that one attribute can be placed in more than one quadrant.
3. Fill it out with inputs from the community, and/or from data review.
4. Discuss the results and the reasons why an attribute was considered as either a strength, weakness, opportunity, or threat.
5. Document the discussion.

References:

- Community Toolbox. (n.d.). *Section 14. SWOT Analysis: Strengths, Weaknesses, Opportunities, and Threats*. <https://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources/swot-analysis/main>
- Dune, K. (n.d.). SWOT Analysis. In *Mindtools*. <https://www.mindtools.com/amtbj63/swot-analysis>
- Visual Paradigm. (2024). SWOT Analysis. A Comprehensive Guide. <https://guides.visual-paradigm.com/swot-analysis-a-comprehensive-guide/>

Sketch-mapping or land-use mapping

A sketch map is a hand-drawn representation of a community's land, features, and boundaries based on local knowledge, rather than precise geographic measurements. It is used to show how people see and use their land, to identify conflict areas (e.g., encroached farms, disputed borders, blocked paths), to surface historical land claims, or identify customary territories and uses, and to support testimony in documentation or legal claims.

Reference:

Participatory mapping. <https://participatory.tools/tools/participatory-mapping/>

Truth verification table

This table is used to compare differing accounts/info sources of the same event. This can be used for systematically comparing different testimonies and documents to help investigators check the accuracy and consistency of information gathered during an investigation.

How to do it:

1. Draw a table with columns, and mark each column as: Fact/Question | Source A | Source B | Notes/Assessment
2. Fill up the table. List down key statements or allegations from sources A and B. Then under the column Notes/Assessment, list down the related evidence, and information gathered from witnesses, documents, or field observations.
3. Compare the results of column A and column B to see if they confirm, contradict, or add context to each fact.
4. Evaluate the reliability of each source based on consistency, proximity to the event, and possible bias.

Reference:

Study.com. <https://study.com/academy/lesson/truth-table-definition-rules-examples.html>

Annex 4.2

Overview of legal remedies in land and resource conflicts

It may be worthwhile to look into the different administrative and judicial bodies where rights holders would need to file cases to enforce or protect their rights. Administrative agencies wield quasi-judicial powers as opposed to courts of law that possess judicial powers.

A quasi-judicial agency or body is an organ of government other than a court and other than a legislature, which affects the rights of private parties through either adjudication or rule-making. The very definition of an administrative agency includes its being vested with quasi-judicial powers. The ever-increasing variety of powers and functions given to administrative agencies recognizes the need for the active intervention of administrative agencies in matters calling for technical knowledge and speed in countless controversies which cannot possibly be handled by regular courts. A "quasi-judicial function" is a term which applies to the action, discretion, etc. of public administrative officers or bodies, who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action and to exercise discretion of a judicial nature.

The Monetary Board and Gail Fule v. Philippine Veterans Bank, G.R. No. 189571, 21 January 2015.

There are distinctions between a *judicial* remedy and an *administrative* remedy. To a litigant claimant though, the distinction may be irrelevant since filing a case with either an agency or court is a necessary act to protect or preserve her/his rights over a parcel of land or a resource. Besides, in most instances, the jurisdiction of the agency or court has been defined as exclusive and original. Thus, the litigant claimant has no real choice, but to file her/his claim with the agency or court that has jurisdiction over her/his rights.

Over the years, the Philippine legal system has evolved to grant *quasi-judicial powers* to administrative agencies. This means that administrative agencies, while not being part of the judiciary, may decide or resolve controversies involving their expertise. This is the main advantage of delegating quasi-judicial powers to administrative agencies, since experts in a particular field assess the technical aspects of a case. A secondary advantage in administrative proceedings is that a less rigid procedure is observed compared to courts. Rules are generally less stringent and formal, and in most cases, a full-blown trial is unnecessary, as the parties merely submit position papers and documentary evidence.

Verily, factual findings of administrative officials and agencies that have acquired expertise in the performance of their official duties and the exercise of their primary jurisdiction are generally accorded not only respect but, at times, even finality if such findings are supported by substantial evidence. The Courts generally accord great respect, if not finality, to factual findings of administrative agencies, because of their special knowledge and expertise over matters falling under their jurisdiction.

Land Bank of the Philippines v. Spouses Costo, G.R. No. 174647, 05 December 2012.

Nevertheless, certain land and resource conflicts are still filed with the courts, as in the case of land disputes between IPs/ICCs and non-IPs/ICCs. Appeals from decisions of quasi-judicial agencies are also filed with the Court of Appeals.

In land and resource conflicts, the following agencies are examples of administrative agencies that wield quasi-judicial powers to resolve controversies:

Department of Agrarian Reform Adjudication Board (DARAB)

DARAB's genesis can be traced to President Corazon Aquino's Executive Order No. 229 dated 22 July 1987 that provided the mechanism to implement the agrarian reform program. Section 17 of the Order conferred quasi-judicial powers upon the Department of Agrarian Reform (DAR) and furthermore, the exclusive and original jurisdiction to resolve and decide agrarian reform cases. Soon after, Executive Order No. 129-A dated 26 July 1987 formally created the Agrarian Reform Adjudicatory Board. Republic Act 6657 or the Comprehensive Agrarian Reform Law of 1988 further defined the quasi-judicial powers of the DAR.

Notably, Section 50 of R.A. 6657 allows responsible farmer leaders to represent themselves or other farmers in the proceedings. The same section states that the DAR decisions are immediately executory, even if appealed to the Court of Appeals.

In 2021, the DARAB has amended its 2009 rules of procedure. A key innovation in the rules is that the DARAB now accommodates online hearings.

Department of Agriculture Adjudication Committee

R.A. 8550 or the Fisheries Code of 1998 was amended by R.A. 10654, resulting in the establishment of the Adjudication Committee under Section 130. The Adjudication Committee was granted the authority to hear administrative and adjudicative proceedings, and impose the fines and penalties under the Fisheries Code.

The Adjudication Committee also has jurisdiction to determine if a case falls under the definition of a Strategic Lawsuit Against Public Participation or SLAPP. Section 139 of R.A. 10654 defines a SLAPP suit as a legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that any person, institution, or the government has taken or may take in the enforcement of the Fisheries Code.

Box 16

Land conflict actions filed in court

Accion interdictal may either be forcible entry or unlawful detainer. An action for forcible entry is filed when one is deprived of physical possession of real property by means of force, intimidation, strategy, threats, or stealth.

A case for unlawful detainer refers to a situation when one illegally withholds possession after the expiration or termination of his right to hold possession under any contract.

In forcible entry, the possession of the defendant is illegal from the beginning while in unlawful detainer, possession of the defendant is originally legal but became illegal due to the expiration or termination of the right to possess.

Accion publiciana is the plenary action to recover the right of possession which should be brought in the proper regional trial court when dispossession has lasted for more than one year. It is an ordinary civil proceeding to determine the better right of possession of realty independently of title (Heirs of Alfonso Yusingco v. Amelita Busilak, et al., G.R. No. 210504, 24 January 2018).

Accion reivindicatoria is an action whereby plaintiff alleges ownership over a parcel of land and seeks recovery of its full possession. It is a suit to recover possession of a parcel of land as an element of ownership (Amoroso v. Alegre Jr., G.R. No. 142766, 15 June 2007).

Mines Adjudication Board (MAB)

One of the agencies under the Department of Environment and Natural Resources (DENR) is the Mines Adjudication Board. The MAB was created through R.A. 7942 or the Philippine Mining Act of 1995. It only has appellate jurisdiction over decisions made by a panel of arbitrators, who has the original and exclusive jurisdiction over the disputes submitted to it under R.A. 7942. Relevant in this regard is the jurisdiction of the panel of arbitrators which includes disputes involving rights to mining areas and disputes involving surface owners, occupants, and claimholders/concessionaires.

While Section 7942 provides that the Supreme Court has the jurisdiction to resolve questions of law on the MAB's decision, the Supreme Court itself has declared such provision unconstitutional. Thus, to question the MAB's decision, the Supreme Court held that an appeal may be made to the Court of Appeals by the losing party (*Carpio v. Sulu Resources Development Corporation*, G.R. No. 148267, 08 August 2002).

National Commission on Indigenous Peoples (NCIP)

The NCIP is a quasi-judicial agency with regard to indigenous peoples, but with limited jurisdiction. In short, not all controversies involving IPs/ICCs or ancestral domains may be resolved by the NCIP.

Section 69 of the Indigenous Peoples' Rights Act or R.A.8371 confers quasi-judicial powers upon the NCIP. This is limited by Section 66, which requires that remedies under customary laws have been exhausted prior to submitting the dispute to the NCIP. This means, according to the Supreme Court (*Unduran, et al. v. Aberasturi, et al., G.R. No. 181284, 18 April 2017*), that only disputes pertaining to IP/ICC's rights or violations of IPs/ICCs rights of persons belonging to the same IP/ICC may be resolved by the NCIP, with the regular courts having jurisdiction over other cases. Meanwhile, the NCIP excludes the courts and has primary jurisdiction over adverse claims and border disputes arising from the delineation of ancestral domains/lands, and cancellation of fraudulently-issued CADTs.

Provincial/City Mining Regulatory Board

R.A. 7076 or the People's Small Scale Mining Act of 1991 defined Small Scale Mining as those "mining activities which rely heavily on manual labor using simple implement and methods and do not use explosives or heavy mining equipment." The same law conferred upon the Provincial/City Mining Regulatory Board the quasi-judicial powers to "settle disputes, conflicts or litigations over conflicting claims within a people's small-scale mining area, an area that is declared a small-mining area."

The Provincial/City Mining Regulatory Board is under the direct control and supervision of the Secretary of the DENR. Thus, the DENR Secretary has the authority to review and overrule the findings of the board.



The Land Justice Initiative (LJI) project aims to contribute in protecting and supporting Land and Human Rights Defenders (LHRDs) who face increasing threats and challenges in advocating for land rights and social justice. In particular, the project aims to enhance access to justice, legal protection, and institutional support for LHRDs through capacity building, policy advocacy, and investigative monitoring. The main target areas of LJI are Negros Occidental and Leyte provinces

The project is jointly implemented by Kaisahan tungo sa Kaunlaran sa Kanayunan at Repormang Pansakahan (KAISAHAN) and Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), with support from the European Union.



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The European Union supports the LJI project through the European Commission in the Philippines. The European Commission is the EU's main executive body. It proposes legislation, upholds EU treaties, and ensures Member States apply EU law and policies. The Commission manages the EU's budget and negotiates international agreements on behalf of the EU.

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This publication seeks to improve how land conflicts and related human rights violations are monitored, documented, and reported.

This manual was created for communities affected by land conflicts. It aims to empower CSOs and partner communities to seek the truth, build evidence, defend land as a human right, and demand accountability from duty bearers.

It is a hands-on guide intended for local paralegals, *barangay* justice systems, *barangay* leaders, and community members working for just and equitable land rights.



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