UiO : Faculty of Law
University of Oslo

HUMR5191, 2nd term

Exploring human rights sources and using them in a thesis

Head Librarian Kirsten Fuglestved, Norwegian Centre for Human Rights, 11th Feb. 2014 (10:15-14)

Agenda

Search strategy and basic search techniques

Plagiarism and reference practice
Human rights - web sources
Search exercises

Lunch break 11:30-12:00

Develop a search profile for the topic

- Define topic, research question
- Define geographical area, time period
- Formulate search terms / key words
- Define sources (next slide)

Define documents types and their sources

When searching for information on a human rights topic – various document types may be relevant.

1. **Legal documents from international and regional organizations:** treaties, covenants, statutes, protocols, conventions etc.
2. **Documents from monitoring bodies**: decisions, concluding observations, recommendations, country visit reports etc
3. **Jurisdiction:** judgments/decisions from courts and tribunals
4. **NGOs:** reports, opinions etc.

Choose sources / databases for each document type

How to evaluate sources

- Relevance
- Reliability / quality assurance
- Accuracy
- Currency
- Objectivity
- Purpose

Basic search technique: Truncation

Truncate = in order to include word variations in
the search, replace letter(s) with * or ?

violat* finds documents that deal with violat**e**, violat**ion**,
violat**ions**, violat**or** etc.

wom*n finds documents that deal with wom**a**n and
    wom**e**n

Basic search technique: combination of key words

Keywords: a AND b

each document must deal with both topic a **and** topic b

Keyword: a NOT b

each document must deal with topic a, but **not** topic b

Keywords: a OR b

each document must deal with topic a **or** topic b **or** both
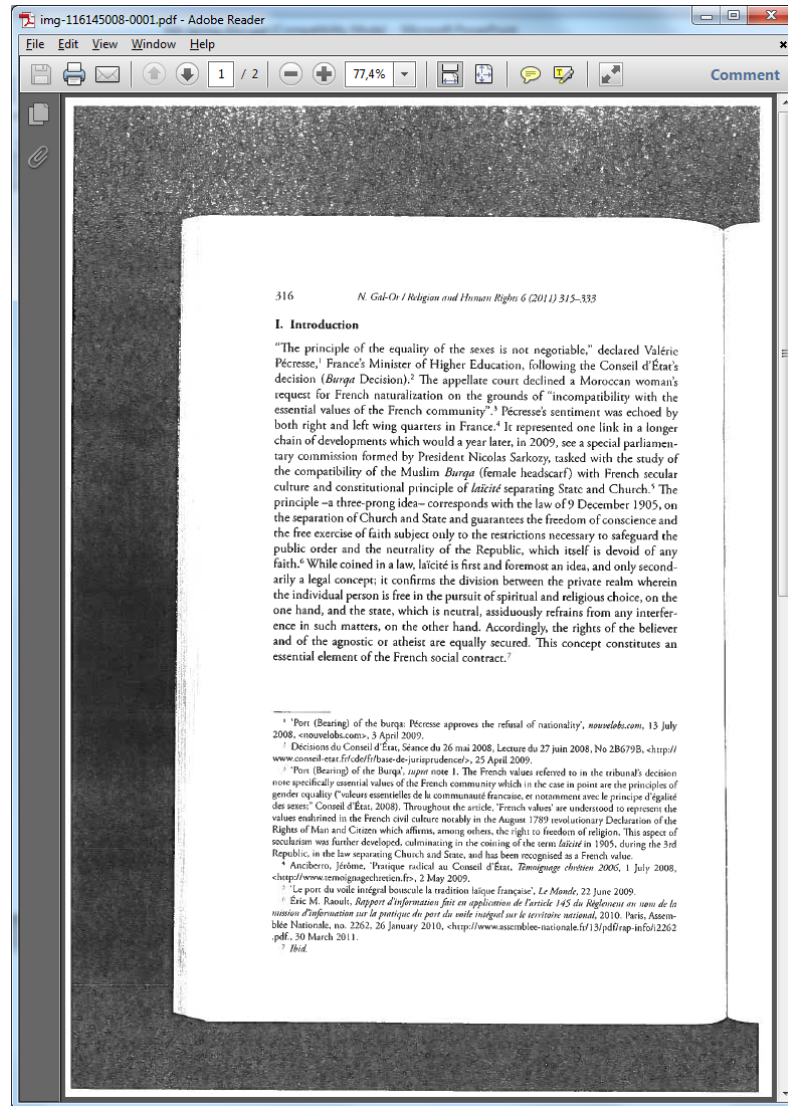
Search tips

- ## More is less!
  - The more key words entered, the less hits

- ## No hits?
  - Try removing some key words
  - Try other key words / synonyms
  - Check if spelling is correct

About citations, references and plagiarism

- What is *plagiarism*?

- What is *a reference* in a scholarly work?

Plagiarism and referencing

- Plagiarism = the practice of taking someone else's work or ideas and passing them off as one's own. It is literary theft and the greatest «academic sin».

- Referencing = citing other publications, i.e. your sources, in your own text. The references are cited in the running text, and in a reference list - usually at the end of the document

I. Introduction

"The principle of the equality of the sexes is not negotiable," declared Valérie Pécresse,[1] France's Minister of Higher Education, following the Conseil d'État's decision (*Burqa* Decision).[2] The appellate court declined a Moroccan woman's request for French naturalization on the grounds of "incompatibility with the essential values of the French community".[3] Pécresse's sentiment was echoed by both right and left wing quarters in France.[4] It represented one link in a longer chain of developments which would a year later, in 2009, see a special parliamentary commission formed by President Nicolas Sarkozy, tasked with the study of the compatibility of the Muslim *Burqa* (female headscarf) with French secular culture and constitutional principle of *laïcité* separating State and Church.[5] The principle –a three-prong idea– corresponds with the law of 9 December 1905, on the separation of Church and State and guarantees the freedom of conscience and the free exercise of faith subject only to the restrictions necessary to safeguard the public order and the neutrality of the Republic, which itself is devoid of any faith.[6] While coined in a law, laïcité is first and foremost an idea, and only secondarily a legal concept; it confirms the division between the private realm wherein the individual person is free in the pursuit of spiritual and religious choice, on the one hand, and the state, which is neutral, assiduously refrains from any interference in such matters, on the other hand. Accordingly, the rights of the believer and of the agnostic or atheist are equally secured. This concept constitutes an essential element of the French social contract.[7]

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[1] 'Port (Bearing) of the burqa: Pécresse approves the refusal of nationality', *nouvelobs.com*, 13 July 2008, <nouvelobs.com>, 3 April 2009.

[2] Décisions du Conseil d'État, Séance du 26 mai 2008, Lecture du 27 juin 2008, No 2B679B, <http://www.conseil-etat.fr/cde/fr/base-de-jurisprudence/>, 25 April 2009.

[3] 'Port (Bearing) of the Burqa', *supra* note 1. The French values referred to in the tribunal's decision note specifically essential values of the French community which in the case in point are the principles of gender equality ("valeurs essentielles de la communauté française, et notamment avec le principe d'égalité des sexes;" Conseil d'État, 2008). Throughout the article, 'French values' are understood to represent the values enshrined in the French civil culture notably in the August 1789 revolutionary Declaration of the Rights of Man and Citizen which affirms, among others, the right to freedom of religion. This aspect of secularism was further developed, culminating in the coining of the term *laïcité* in 1905, during the 3rd Republic, in the law separating Church and State, and has been recognised as a French value.

[4] Anciberro, Jérôme, 'Pratique radical au Conseil d'État, *Témoignage chrétien 2006*, 1 July 2008, <http://www.temoignagechretien.fr>, 2 May 2009.

[5] 'Le port du voile intégral bouscule la tradition laïque française', *Le Monde*, 22 June 2009.

[6] Éric M. Raoult, *Rapport d'information fait en application de l'article 145 du Règlement au nom de la mission d'information sur la pratique du port du voile intégral sur le territoire national*, 2010. Paris, Assemblée Nationale, no. 2262, 26 January 2010, <http://www.assemblee-nationale.fr/13/pdf/rap-info/i2262.pdf>, 30 March 2011.

[7] *Ibid.*

Always show your sources in references, because:

- you avoid plagiarism
- it shows that you have academic integrity
- it adds credibility to show that you have used well-known, quality sources (peer-reviewed journals etc)
- it provides academic transparence

and………..

- it shows that you have been able to find the right and relevant sources for your topic

- it shows that you know the academic conventions of footnotes and bibliography

- it provides access to the sources on which your work is founded

What <u>must</u> be cited?

- Any direct quotation (use quotation marks)

- Your own formulation of other's ideas - paraphrasing

- Arguable assertions

- Statistics, charts, tables put together by someone else

What need not be cited?

- Common knowledge (*snow is cold*)

- Facts available from many sources (*Norway is situated next to Sweden*)

- Your own ideas and discoveries

Footnotes and reference list

- Make references with footnotes in the text <u>and</u> in the reference list

- Be precise, it must be easy to identify the text to which you are referring

- Choose <u>one</u> format for your footnotes and reference list

  Examples of reference formats:
  Harvard: http://education.exeter.ac.uk/dll/studyskills/harvard_referencing.htm
  APA: http://www.usq.edu.au/library/help/referencing/apa.htm
  Chicago: http://www.chicagomanualofstyle.org/tools_citationguide.html
  There are many more…..

Save the references

- Create a reference file as early as possible in your work

- Make notes / references while reading

- Save electronic prints

- Save search terms and author's names which you have used when searching in data bases

- Save search results (print-outs)

Web sites with useful tips on writing a thesis:

- Viko

www.ntnu.no/viko/en

- Søk og skriv

http://sokogskriv.no/english/index.php?action=static&id=40

- PhD on Track

http://www.phdontrack.net/

United Nations

UN human rights bodies, treaties, documents - how do you find them?

UN human rights documents – quick search (1)

What are you looking for?	How to find it	Direct link and content
1. UN documents – ODS (searchable database)	United Nations (www.un.org) ⇨Documents ⇨Official Document System (ODS)	http://www.un.org/en/documents/ods/ *Content: Search for most UN documents since 1946. You can search with key words or with document symbol.*
2. UN documents research guide	United Nations (www.un.org) ⇨ Documents ⇨ Research guide	http://research.un.org/en/docs/ *Content: Explanation of document symbols, overview of UN sources, resolutions and decisions per year/session, information on each UN body's document types etc.*
3. UN charter based and treaty based bodies	Office of the High Commissioner for Human Rights (www.ohchr.org) ⇨ Human rights bodies	http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx *Content: Information on each body, their members, mandate and documents*
4. Core international human rights instruments	Office of the High Commissioner for Human Rights (www.ohchr.org) ⇨ Your human rights ⇨ International law ⇨ see left column	http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx *Content: Overview of the ten core international human rights instruments including optional protocols and their monitoring bodies*
5. Universal human rights instruments	Office of the High Commissioner for Human Rights (www.ohchr.org) ⇨ Your human rights ⇨ International law ⇨ see left column	http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx *Content: In addition to the International Bill of Rights and the core human rights treaties, there are many other universal instruments relating to human rights. A non-exhaustive selection.*

UN human rights documents – quick search (2)

What are you looking for?	How to find it	Direct link
6. UN treaties search (database)	United Nations (www.un.org) ⇨ Documents ⇨ UN treaty collection ⇨ UNTS	https://treaties.un.org/Pages/UNTSOnline.aspx?id=1 *Content: Search for UN treaties by key word or by popular name*
7. UN treaties' status (ratifications, signatories)	United Nations (www.un.org) ⇨ Documents ⇨ UN treaty collection ⇨ Status of treaties 　(Chapter IV: Human rights)	http://treaties.un.org/Home.aspx *Content: Status of UN treaties (Chapter IV: Human rights) with information on date for entry into force, signatory states and ratifications*
8. Treaty body documents – searchable database	Office of the High Commissioner for Human Rights (www.ohchr.org) ⇨ Human rights bodies ⇨ see left column	http://tb.ohchr.org/default.aspx *Content: Search for documents from the treaty bodies by convention, country, document type, document symbol and/or date.*
9. Charter body documents – searchable database	Office of the High Commissioner for Human Rights (www.ohchr.org) ⇨ Human rights bodies ⇨ see left column	http://ap.ohchr.org/Documents/gmainec.aspx *Content: Search for documents from the charter bodies by body, country, subject and/or mandate.*
10. UN courts and tribunals	United Nations (www.un.org) ⇨ Human rights ⇨ International law	http://www.un.org/en/law *Content: UN courts and tribunals with documents, news, judgements, cases, etc.*
11. UN human rights documents sorted by topic	Office of the High Commissioner for Human Rights (www.ohchr.org) ⇨ Your human rights ⇨ Human rights issues	http://www.ohchr.org/EN/Issues/Pages/ListOfIssues.aspx *Content: List of human rights issues with links to bodies and documents*

UN human rights documents – quick search (3)

What are you looking for?	How to find it	Direct link
12. Universal human rights index	Office of the High Commissioner for Human Rights (www.ohchr.org) ⇨ Human rights bodies ⇨ see left column	http://uhri.ohchr.org/en *Content: search for country-specific human rights information emanating from international human rights mechanisms in the United Nations system: the Treaty Bodies, the Special Procedures and the Universal Periodic Review (UPR).*
13. Preparatory works for UN treaties, alternative I	UN audiovisual library of international law http://www.un.org/law/avl/) ⇨ Historical archives	http://www.un.org/law/avl/ *(There is no single access point for the preparatory works for UN treaties. The procedure depends on the body establishing the treaty)*
14. Preparatory works for UN treaties, alternative II	United Nations (www.un.org) ⇨ International law ⇨ Tools, Legal publications search ⇨ Proceedings of diplomatic conferences	http://www.un.org/law/diplomaticconferences/ *(There is no single access point for the preparatory works for UN treaties. The procedure depends on the body establishing the treaty)*
15. How to make correct references to UN documents		http://dd.dgacm.org/editorialmanual/ed-guidelines/footnotes/footnotes_index.htm

EUROPE:
Council of Europe (CoE) and European Court of Human Rights (ECHR) – quick search

What are you looking for?	How to find it	Direct link
CoE human rights treaties (with ratifications and signatories)	Council of Europe http://hub.coe.int/en ⇨ see left column: Treaty office ⇨ Search ⇨ Treaties ⇨ List by subject matters ⇨ Human rights ⇨ Submit	http://www.conventions.coe.int/Treaty/Commun/ListeTraites.asp?MA=44&CM=7&CL=ENG *Content: CoE treaties, date for entry into force, signatures, ratifications*
Commissioner for Human Rights - country reports	Council of Europe http://hub.coe.int/en ⇨ 47 countries	http://hub.coe.int/en *Content: Reports/documents on all member countries*
European Court of Human Rights		http://www.echr.coe.int/echr/Homepage_EN *Content: Information on the court, statistics, documents, judges, application procedure*
HUDOC: European Court of Human Rights cases	European Court of Human Rights ⇨ Case law ⇨ HUDOC ⇨ HUDOC database	http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx# *Content: Search for judgments, decisions and other case documents from the European Court of Human Rights* Hudoc search help: http://www.echr.coe.int/Pages/home.aspx?p=caselaw/HUDOC&c=#n1362659921775_pointer

The Americas

- Inter-American Court of Human Rights http://www.corteidh.or.cr

- Inter-American Commission of Human Rights http://www.cidh.oas.org/DefaultE.htm

Africa

1. The African Union's Commission on Human and Peoples' Rights http://www.achpr.org/

2. African Human Rights Case Law Analyzer http://caselaw.ihrda.org/

3. African International Courts and Tribunals Website http://www.aict-ctia.org/

Asia

Asian Human Rights Commission

http://www.humanrights.asia/about

Documents from NGOs

HuriSearch http://www.hurisearch.org/

– Specialty: Documents from NGOs

– Functionality : many criteria for refining searches in left column

Some statistics / graphs web sites

The Political Terror Scale - PTS data
http://www.politicalterrorscale.org/about.php

World Bank - Data
http://www.worldbank.org/

Freedom in the World
http://www.freedomhouse.org/report-types/freedom-world

Sage Research methods

- http://srmo.sagepub.com/

Good luck with your thesis!!

Foto: Annette Garpestad, Cappelen Damm

Practice: UN documents

Imagine that you want to write a thesis on the rights of the child in Pakistan.
1. Find relevant UN treaty. Where?
2. Has Pakistan signed and ratified this treaty?
3. Find relevant UN treaty body and their documents. Where?
4. Find *concluding observations* from this treaty body about the rights of the child in Pakistan. Where? How many?

5. Find this document: *CRC/C/PAK/CO/3-4*. Where?

6. Find NGO documents on this topic. Where?

Practice: Council of Europe documents

Imagine that you want to write a thesis on ECHR article 14: Prohibition of discrimination.

1. Where do you find the text of ECHR article 14?
2. Where do you find ECHR cases treating this article?
3. How many judgments with **violation** of article 14?
4. Where do you find CoE documents per member country?

Practice answers: UN documents

UN: Imagine that you want to write a thesis on the rights of the child in Pakistan.

1. Find relevant UN treaty. Where?
Status of treaties – Chapter IV, no. 11

2. Has Pakistan signed and ratified this treaty?
Yes (1990)

3. Find relevant UN treaty body and their documents. Where?
Committee on the Rights of the Child (CRC)
http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx

4. Find concluding observations from this treaty body about the rights of the child in Pakistan. Where? How many? Treaty Body Documents http://tb.ohchr.org/default.aspx 3 documents

5. Find this document: CRC/C/PAK/CO/3-4. Where? ODS http://www.un.org/en/documents/ods/

6. Find documents on rights of the child from Pakistani NGOs. Where? Hurisearch http://www.hurisearch.org/

Practice answers: Council of Europe (CoE) documents

Imagine that you want to write a thesis on ECHR article 14: Prohibition of discrimination.

1. Where do you find the text of ECHR article 14?

Council of Europe http://hub.coe.int// - Treaty Office – Search-Treaties – Full list – no. 003

2. Where do you find ECHR cases treating this article? HUDOC http://www.echr.coe.int/echr/en/hudoc

3. How many judgments with **violation** of article 14? 826

4. Where do you find CoE documents per member country?
Council of Europe http://hub.coe.int// 47 countries