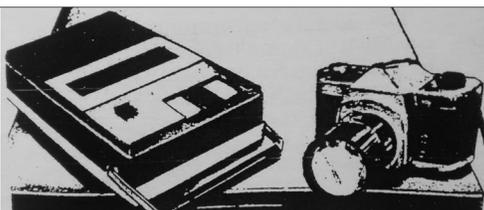




Gendering Documentation

A Manual For and About Women Human Rights Defenders

A publication of the Women Human Rights Defenders International Coalition



**Gendering Documentation:
A Manual For and About Women Human Rights Defenders**

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Dedication

PHOTO: ASSOCIATION FOR WOMEN'S RIGHTS IN DEVELOPMENT



Gendering Documentation is dedicated to the memory of **SUNILA ABEYSEKERA**, a Sri Lankan activist who helped not only to conceptualize the entire women human rights defender (WHRD) framework, but also to establish the WHRD campaign and International Coalition. Sunila helped launch the documentation manual project, and was intimately involved in its years of coming to fruition. She inspired, motivated and cajoled many of the people involved in creating this analysis and this work. She prodded

our thinking as well as our writing, and called for us to document our lives and our activism because she knew they all mattered. The WHRD International Coalition is profoundly indebted to, and we remain shaped by, Sunila and her brilliant, effervescent and strategic vision.

Acknowledgements

Gendering Documentation: A Manual For and About Women Human Rights Defenders is a project of the Women Human Rights Defenders International Coalition. It is motivated by the courageous activism of people—and in particular, women—around the world who dare to resist, to fight for what we believe is right, and to put our lives on the line for justice, accountability and fairness.

This report is the result of contributions by many women human rights defenders over a period of a few years. Each chapter reflects the thinking and writing of a number of people. The final report was edited by Cynthia Rothschild with significant contributions and guidance from the core “documentation manual” group within the Women Human Rights Defender International Coalition: Renu Adhikari, Carin Benninger-Budel, Dawn Cavanagh, Danna Ingleton, Eleanor Openshaw, and Lisa Pusey, who also edited earlier drafts. Eleanor and Lisa helped with final stages of production, as did Barbara Schulman. In addition, Kaavya Asoka, Immaculada Barcia, Susana Fried, Margo Okazawa-Rey, Jennifer Radloff, Mary Jane Real and Stephanie Schlitt made critical inputs to the process at various stages. The members of the WHRD-IC Documentation Manual Working Group are: Amnesty International (AI), the Coalition of African Lesbians (CAL), the International Service for Human Rights (ISHR), World Organisation Against Torture (OMCT), Women’s Rehabilitation Center (WOREC Nepal), Lisa Pusey and Cynthia Rothschild. Approximately 100 women human rights defenders participated in meetings and workshops related to the report; while unfortunately that precludes listing people individually, the WHRD International Coalition is grateful for their wise contributions.

Members of the Women Human Rights Defenders International Coalition

The Women Human Rights Defenders International Coalition (WHRD-IC) is a group of 32 women’s rights, human rights and sexual rights organizations that work together as a resource and advocacy network for the protection and support of women human rights defenders worldwide. The Coalition was formed in 2005. We promote cutting edge analysis about and engage in strategic advocacy regarding women human rights defenders at local, regional and global levels. Our members are:

Amnesty International (AI)	Front Line Defenders	Peace Brigades International (PBI)
Asia Pacific Forum on Women Law and Development (APWLD)	Human Rights First	Rainbow Rights Project (R-Rights), Inc.
Asian Forum for Human Rights and Development (FORUM ASIA)	Information Monitor (INFORM)	Urgent Action Fund for Women’s Human Rights (UAF)
The Association for Progressive Communications	International Federation for Human Rights (FIDH)	Women Living Under Muslim Laws (WLUML)
Women’s Networking Support Programme (APC WNSP)	International Service for Human Rights (ISHR)	Women’s Global Network for Reproductive Rights (WGNRR)
Association for Women’s Rights in Development (AWID)	International Women’s Rights Action Watch Asia Pacific (IWRAP-AP)	Society for Appraisal & Women Empowerment in Rural Areas (SAWERA)
BAOBAB for Women’s Human Rights (BAOBAB)	Isis International	Women’s Initiatives for Gender Justice (WIGJ)
Center for Reproductive Rights (CRR)	ISIS Women’s International Cross-Cultural Exchange (ISIS-WICCE)	Women’s Rehabilitation Centre (WOREC)
Center for Women’s Global Leadership (CWGL)	Just Associates (JASS)	World Organisation against Torture (OMCT)
Coalition of African Lesbians (CAL)	The Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM)	
Frida/The Young Feminist Fund	MADRE	
	Nazra for Feminist Studies	
	Nobel Women’s Initiative	

List of Acronyms and Abbreviations

ACHPR	The African Commission on Human and Peoples' Rights
CEDAW	Committee on the Elimination of All Forms of Discrimination against Women
CCPR	U.N. Human Rights Committee
CESCR	Committee on Economic, Social and Cultural Rights
CERD	Committee on the Elimination of Racial Discrimination
CRC	Committee on the Rights of the Child
EU	European Union
GBV	Gender-based Violence
HRC	U.N. Human Rights Council; U.N. Human Rights Committee
IACHR	The Inter-American Commission on Human Rights
LGBT(I)	Lesbian, Gay, Bisexual and Transgender (and Intersex)
NGO	Non-Governmental Organisation
OAS	Organization of American States
OHCHR	U.N. Office of the High Commissioner for Human Rights
SOGI/E	Sexual Orientation and Gender Identity / Expression
U.N.	United Nations
UPR	Universal Periodic Review
VAW	Violence Against Women
WHRD	Women Human Rights Defenders
WHRD-IC	Women Human Rights Defenders International Coalition

INTRODUCTION

Women Human Rights Defenders and Documentation

This Documentation Manual is rooted in a groundbreaking collective international feminist project that began in the mid-2000s and that sought to create, build and promote an analysis about women human rights defenders who experience violations because of *who we are and because of what we do*. The related international campaign, titled *Defending Women Defending Rights*, was also first of its kind. This was a mobilisation to *bolster activism for women's rights*, generally, and also to *focus on the human rights and experiences of activists themselves*. In other words, the campaign sought not to focus only on women's human rights broadly, but also and primarily on the *experiences of activists, organizers and defenders of those rights*.

Launched in 2004, the campaign brought together an international coalition of representatives from women's rights, human rights, and sexual rights groups, including lesbian, gay, bisexual and transgender (LGBT) groups, all of whom were committed to advocacy for the concerns of women human rights defenders. This was the first international effort that linked defenders who sought to build commonality across areas of gender-related advocacy, experience and identity.

This group was grounded in a range of social movements. While some participants were women defenders who may have focused on land rights or anti-death penalty work, others were men who supported women's reproductive rights, or defenders of all genders who supported rights related to sexual orientation and gender identity and expression. The first stages of this process culminated in an international consultation on women human rights defenders in Colombo, Sri Lanka in November of 2005.

Partly in response to a recommendation from the meeting to create a "a documentation system on violations and abuses against women human rights defend-

ers to develop protection mechanisms that are more responsive to their needs", the groups connected to the *Defending Women Defending Rights* campaign published a guidebook titled *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*.¹ This publication sought to bring greater understanding of the ways women human rights defenders are targeted for various attacks, the kinds of violations faced, and the social, cultural and legal environments in which these abuses take place. The conceptual framework in *Claiming Rights, Claiming Justice* remains at the core of this activist collaborative project that continues to evolve, over ten years later. This framework also provides the core of the Manual that follows in these pages.

As the *Defending Women Defending Rights* campaign shifted into an ongoing informal collaboration of those networks of women's rights, human rights and sexual rights groups, the Women Human Rights

¹ Available at <http://apwld.org/wp-content/uploads/2013/09/claiming-rights-claiming-justice.pdf>

Defender International Coalition (the WHRD-IC) was formed. This *Gendering Documentation Manual* is a product of the ever-deepening analysis by members of the WHRD International Coalition as we challenge ourselves and those around us.

This project is groundbreaking in its focus on women human rights defenders generally, and because of two other primary contributions:

- *Its demand that those who seek to understand, document or rectify violations look to the environments of systemic discrimination that allow or even create them, and to frame our activism as shaped by these, as well*
- *A commitment to feminist methodology and empowerment as a form of research and collective engagement.*

As a conceptual pillar of this Manual, WHRDs are seen not just as victims and survivors of abuses but also as agents of change with strategic political vision and concrete demands for social justice.

Women human rights defenders' activism takes place in social, cultural and legal contexts that shape our experiences as defenders as well as the risks we face; for many, demanding rights for women—or simply being a woman activist—can be life-threatening because of discriminatory societal gender norms.

Gendering Documentation frames and encourages documentation as a politically-motivated telling of women human rights defenders' stories. Documentation of WHRDs' experiences is a thread between our acts of resistance and the abuses we face.

The chapters that follow go beyond existing human rights documentation manuals to provide a unique tool for capturing the specific nature of violations against WHRDs. The discussions that follow are grounded in a gender analysis that both challenges the social systems that restrict women's rights, and also supports those who fight for those rights all over the world.

Documentation will be most effective and sensitive when it takes these realities into account. Anything less than that does not do justice to the courage, resilience and wisdom of the global community of women human rights defenders.

Chapter Outline

Chapter 1 serves as an overview and offers an introduction to critical issues about Women Human Rights Defenders and the Manual; it gives an analytical synopsis and discusses objectives, approaches, and terminology, among other topics.

Chapter 2 focuses on what documentation is, what its many purposes could be and the reasons it is important to document experiences of WHRDs.

From preserving memory to seeking to address systemic discrimination that enables violations against women human rights defenders, documentation is a critical step in advancing the protection and promotion of women human rights defenders and our activism.

Chapter 3 focuses on what should be documented, with a focus on “context” and “environment”. It is divided into two parts. Part 1 (Gender and Critical Issues) discusses foundational issues related to gender including documenting the range of “common” violations against women human rights defenders. Part 2 (Context and Environment) focuses on the contexts and environments (and the nexus across these) that enable violations to take place and shape WHRDs' activism. This section emphasizes gender inequality, patriarchy and heteronormativity², militarism and conflict, fundamentalisms, globalisation and neo-liberal policy and crises of democracy and governance—all of which are analytical pillars of the Women Human Rights Defender International Coalition.

Chapter 4 provides a practical tool for documenting violations against women human rights defenders including preparation, the process of documentation, and the follow-up to documentation. It poses questions to guide this process. It applies and interweaves a feminist methodology to documentation to ensure as much as is possible that the act of documenting is an empowering experience for women human rights defenders.

Chapter 5 outlines different uses of documentation, including for various advocacy sites. It is also divided into two parts. Part 1 (Advocacy for social change, protection, justice and accountability)

² Heteronormativity is the privileging of heterosexuality, along with its assumptions of binary and “traditional” gender roles, identities and sexualities for men and women. It is foundationally linked to patriarchy and gender inequality, as well as particular social roles for women and girls. It confines people's choices about family, reproduction, marriage, work, and physical movement and it affects safety and security, as well as freedom to enjoy all human rights.

discusses several strategies and some of the ways people have used documentation for protection and promotion of the rights of WHRDs at the local, national, regional and international levels. Part 2 (More formal advocacy) offers basic information and starting points for more formal WHRD advocacy using documentation at intergovernmental levels, including at the United Nations.

Chapter 6 provides a brief overview of digital security. While all forms of security are of utmost importance to WHRDs, this chapter emphasizes some of the ways WHRDs are at risk in using the internet and new media, and offers some specific ideas about protecting ourselves and our documentation.

After the Conclusion, a compilation of WHRD resources is presented in an annex.

A Word on Methodology:

The WHRD International Coalition has hosted a series of workshops and conversations that have taken place in, among other places, Colombia, Jordan and Switzerland, with activists from many countries. The Manual is derived from those conversations and additional “piloting” discussions in the Democratic Republic of Congo and Sweden. The Manual has been drafted by over ten authors, all of whom are women human rights defenders and are either activists or academics. Each chapter has benefitted from the input of

a number of contributors. The Manual has been edited by several people who are or have been members of the Women Human Rights Defender International Coalition, and/or who have had specific experience with gender-related documentation or the documentation of women defenders specifically. Wherever possible, editors have sought to maintain the different ‘voices’, or ‘tones’, from chapter to chapter. Some information is emphasized in more than one place so that chapters can be of use to readers and “stand” on their own.

CHAPTER 1

Overview: Women Human Rights Defenders and Why this Manual?

Women human rights defenders around the world fight for freedom, justice and fairness. We are connected to many political struggles, including, but certainly not limited to, fighting for the rights of women. We are engaged with virtually every form of human rights struggle, from access to food to the right to be free from arbitrary arrest. We call for an end to regulations and practices that endanger our lives and limit our activism. And we resist the systems of oppression—and those people who enact those systems—that for centuries have created a global crisis of gender inequality, patriarchy and misogyny.

Yet, the experiences of women human rights defenders often go unnoticed, partly because of the very systems of inequity we are challenging. Around the world, there are efforts by those with political, religious, military, familial or community authority not only to stop our work, but to keep our narratives, our claims and stories of our activist struggles from being told. There are overt efforts to silence us. And there are more subtle efforts to coerce our silence, either as individuals or as members of collective struggles.

Women human rights defenders are engaged in strategic and creative political and social struggle. As defenders, we face bodily harm and physical threats, social condemnation and legal restrictions on our organizing. Yet, our histories and the specificity of our lives and activism are often made invisible, even by allies in the social movements that actually do share accounts of political resistance.

Gendering Documentation is intended to create change, and to challenge silences as well as efforts to stifle expression of women defenders and defenders of women's rights. It is intended to motivate women human rights defenders to share experiences of activism

and of violations; to have better skills when we decide, in fact, to do that; and to encourage others who may document human rights violations to think carefully and sensitively about how best to address the specific situations we face in our day-to-day and long term advocacy.

Documentation can tell stories, create legal or cultural shifts, provide protection, hold people accountable for abuses and shape social movements or individual legacy. It is a process as well as a “product”; it records experiences either as specific incidents or as patterns, and it makes those experiences visible, whether literally or metaphorically.

This Manual supports the collective process of enhancing protection of women human rights defenders and bringing greater recognition and acknowledgment to our defence of rights. It encourages and explores documentation of the specific risks, violations and constraints experienced by women human rights

Documentation is a political choice and a political act. Feminist methodology is an act of defiance and resistance, of overcoming powerlessness. Women are taking pictures of violations, recording their stories, organizing exhibitions, and shooting short documentaries. We are defining for ourselves what success is. We define our history of resistance, of activism in resistance and recording it.

Participant at WHRD Documentation Manual meeting

defenders. And it explores the social, political and legal contexts and environments that shape our activism, enable violations and constraints and also serve to thwart documentation efforts.³ In fact, this project sees the exploration of contexts and environments in which WHRD activism takes place as critical to understanding the violations themselves and the shaping of the documentation as a “product”.

Who are women human rights defenders?

Article 1 of the U.N. Declaration on Human Rights Defenders defines a human rights defender as “*anyone who, individually or in association with others, promotes or strives for the protection and realisation of human rights and fundamental freedoms*”.

The definition *per se* does not specify any qualifications. In particular, it does not associate the definition of defenders to the specific risk, violation or abuse they face. It is the activity of promoting or advocating for human rights that makes them defenders, not the degree of difficulty or danger they experience.

Women human rights defenders challenge violence, discrimination and injustice in all parts of the world.⁴ We are active in the protection and promotion of all human rights—civil, political, economic, social, and cultural—and in all fields of life including in the family and community. As a result, we face risks that are specific to gender, and this adds a layer of nuance and complexity when seen alongside experiences of other defenders.

This idea is especially important for those who defend women’s rights and those who challenge societal gender

and social norms. These can include norms related to reproductive rights, sexuality, freedom of expression or speech, or the right to dress a certain way. As an example, women who challenge religious precepts that rest on gender differences face specific challenges. And when activists are seen to have a particular identity as women or gender non-conforming people, they are also targets for scrutiny and violations.⁵

For instance, lesbian, gay, bisexual and transgender (LGBT) activists participate in many human rights struggles, including but not limited to advocacy related to sexual orientation, gender identity or gender expression. But LGBT activists are often targeted for their very identities sometimes regardless of the content

The Women Human Rights Defender International Coalition asserts that women human rights defenders are women who engage in the defense of any and all human rights, and people of all genders who engage in the defense of women’s rights and rights related to gender and sexuality.

of their activism. When advocacy challenges gender norms, the activists engaged in that work are often placed at additional risks.

Gender stereotypes and assumptions embedded in patriarchal norms and practices expose WHRDs to additional violence and risks sometimes specific to their gender. So does the manipulative use of culture, tradition, custom and religion by those with or who seek the power to deny rights and to achieve political gain. Women activists, as well as defenders of sexual and reproductive rights (including rights related to women having bodily autonomy) are similarly at risk

³ The terms “context” and “environment” are used interchangeably in this Manual; the latter term has grown in use in some human rights discussions, particularly in relation to the demand for “safe and enabling environments” for human rights defenders.

⁴ Drawn from *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*; see footnote 1.

⁵ The term “gender non-conforming” applies to all people who defy, or who claim to or are seen to subvert gender norms in a particular society.

[A]s professionals and as mothers, sisters, daughters, wives, partners and colleagues, women human rights defenders have been at the forefront of demands for an end to “disappearances”. They have campaigned indefatigably for humane prison conditions and have been documenting and exposing human rights abuses. Women defenders have asserted the rights of, among others, ethnic and religious minorities, and protested against widespread impunity for violence against women; they have supported countless victims of human rights abuses and their relatives in demanding justice; they have led projects dedicated to helping other women, victims of sexual abuse, obtain legal redress. As victims themselves of human rights abuses, they have testified in proceedings against the alleged perpetrators. As trade union activists they have championed workers’ rights; as lawyers they have been active in seeking redress for victims of human rights abuses and in combating impunity; and they have also organized and campaigned for the rights of human rights defenders. It is a testament to their courage and achievements that this list could go on and on.

For women human rights defenders, standing up for human rights and the victims of human rights abuses—be they migrants, refugees, asylum-seekers or political activists, or simply people unwillingly relegated to the margins of society, such as ex-offenders and members of sexual minorities—can result in intimidation, harassment, unfair dismissal, death, threats, torture and ill-treatment, and even death.

Hina Jilani, U.N. Special Representative on Human Rights Defenders, 2002. E/CN.4/2002/106, para. 82 and 83.

because their identities and activism on related issues are often seen by those with authority as disruptive of their notions of cultural values and traditions.

Harassment and attacks may themselves be directed exclusively at women human rights defenders and may take gender-specific forms ranging from misogynist verbal abuse to sexual assault to forced sterilization. These human rights abuses can, in turn, have repercussions

face male activists. In some cases, women and men face the same violations, but the context in which they take place, including the socio-political climate of gender discrimination, might give different meanings to the abuses.

The prevalence of impunity for violations of women’s human rights, especially for perpetrators who are members of the family and the community of the WHRDs

Women human rights defenders are targeted for who we are as well as for what we do.

that are in and of themselves gender-specific, such as pregnancy resulting from rape. These violations also affect the advocacy of WHRDs in specific ways.

Violations against WHRDs often go unrecognised and unpunished; this, too, sometimes happens for gender-specific reasons. In most societies, there is an invisibility about and denial of discrimination against women. This leads both to violations, and also to the silence around them. Violations against women human rights defenders (whether they are gender specific in nature or not) are often not classified as legitimate human rights concerns. They are sometimes given lower priority than other concerns, are not considered serious enough to warrant a response, or are simply ignored in favour of addressing more recognised violations of human rights defenders, such as those that

who are targeted, is also a reason that violations against women human rights defenders often go unrecognised and unpunished. *Consequently, women defenders are too frequently deprived of protection afforded to their male colleagues.*

A word on terminology:

While the term “women human rights defenders” refers not only to women but also to activists of all genders who defend the rights of women, *Gendering Documentation* focuses particularly on the roles, risks, and vulnerabilities of defenders who are women and gender non-conforming people (including but not limited to lesbians, and bisexual and transgender people).

The WHRD International Coalition’s analysis rests on the idea that everyone, whether in the global North

[W]hile women defenders work as indefatigably as their male counterparts in upholding human rights and the rights of victims of human rights violations, there exist some characteristics that are specific to them as women involved in the defence of human rights.

Hina Jilani, U.N. Special Representative on Human Rights Defenders, 2002
E/CN.4/2002/106, para. 89.

or South, lives under regulations and expectations about gender. However, this Manual is grounded in an understanding that men who defend women's rights are at gender-related risk, but generally do not experience the degree of discrimination and disadvantage that women activists do.

Given the realities of gender inequality, sexism and misogyny, in addition to patriarchal and heteronormative social systems that seek to control women all over the globe, the drafters of this manual have sought to bring needed attention to the ways gender, and the ways being a woman activist, can put defenders at risk.⁶

And, of course, even in these categories, there are levels of nuance: for instance, transgender women and men may experience violations differently, and because some trans defenders identify as and “pass” as men, they might be less likely to be targeted in public than those who appear or identify as women. Yet they, too, experience violations based on gender expression. *Appearance can put people at risk or protect people from it.* Context proves important in all of these situations. This analysis is not meant to deny the ways male activists are attacked, or to argue that all women defenders' experience of risk is the same, but instead is designed to highlight experiences of women and those who focus on human rights of women or rights related to gender and sexuality.

Gendering Documentation also rests in an analysis of *intersectionality*; with this perspective, we argue also

⁶ Increasingly, and in many parts of the world, people are challenging the “gender binary” that sees people only in terms of being “male” or “female”. Many people identify across a spectrum of genders.

that some WHRDs are more protected than others because of economic or other forms of privilege. Race, ethnicity, socio-economic status, nationality, sexual orientation and other social identity factors are linked and affect people differently, including within the global community of WHRDs. *The goal in developing this project is to add nuance that is commonly lost in the discussions about defenders, and to assert that not all defenders' experience is the same.*

The focus here on women human rights defenders is not intended to set a distinct category of defenders; rather, this focus has been chosen to draw attention to the gendered nature of abuses and challenges women human rights defenders face and enable a more responsive framework for protection.

Strategic and feminist approaches to documentation

A strategic approach

This project rests in a commitment to the importance of recording the experiences of women human rights defenders for a number of key reasons: bringing recognition and visibility to our activism and experiences; for demanding rights and seeking redress; and for developing more effective mechanisms for protection that address our specific needs or demands.

The manual also positions documentation as one critical element behind larger strategic purposes: *challenging structural and systemic discrimination, and transforming the contexts and environments that facilitate violations against women human rights defenders.*

This latter point is critical: While *Gendering Documentation* offers a conceptual and practical tool to document the lived and sometimes unique experiences of women human rights defenders, *it also brings to the foreground the importance of documenting the contexts and environments in which women human rights defenders live and work. These consequently*

enable the risks, constraints and violations actually to take place and can shape our advocacy in response.

All women human rights defenders face forms of gender inequality (or patriarchal systems) that result in specific barriers, an undervaluing of our advocacy and concerns, gender-specific violations, and a lack of recognition and silencing around the violations. Yet all WHRDs are not the same; we face different challenges based on particular circumstances. Gender inequality intersects with other social factors and situations, all of which surface different and unique challenges.

The WHRD International Coalition has identified five foundational contexts critical to the lives and activism of WHRDs:

- Militarism and conflict,
- Fundamentalisms,
- Globalisation and neo-liberal policy,
- Heteronormativity and patriarchy, and
- Crises of democracy and governance.

These are not the only important contexts, but it is these sets of circumstances and current geopolitical realities that can shape situations WHRDs face in very deep ways. In particular, they can shape risks we face and access to redress. Acknowledging, challenging and transforming environments in which WHRDs engage in our defence of human rights is critical to our struggles for social justice. These ideas form the basis of much of the WHRD International Coalition’s analysis and much of the content of the chapters that follow.

A feminist approach to documentation

Documenting human rights violations is now a common strategy for holding perpetrators of abuses accountable. It is also one way to secure redress for those who are harmed. However, as with most “universal” approaches to addressing “human” needs, prevailing documentation methods generally have been based on the a set of assumptions about who defenders are or can be (usually men), where violations take place (in public), by whom (agents of the state), what kinds of advocacy are seen as legitimate (calling for an end to the death penalty, for instance),

and what constitutes a violation (torture in prison, for example).

While women defenders can and do fit into these “models” above, there are also situations we face that are different: first, and most obviously, women are human rights defenders, as well; many violations we face take place in private spaces including (and particularly) in the home; violations against us are often perpetrated by “non-State actors”, including members of families and communities; our advocacy may focus on rights of women; and violations are often gendered or sexual in nature. Two examples are gender based restrictions on movement or activities, or rape in the context of marriage, for instance. *Gendering Documentation aims to make women’s experience of defence of human rights more visible by recognizing its inherent value.*

Gendering Documentation applies a feminist methodology and approach to documentation to capture the unique experiences of women human rights defenders in a sensitive and ethical way that can generate and sustain a sense of empowerment for survivors of

Who Documents?

It is critical to note that in many circumstances, it is WHRDs ourselves who are documenting our own experiences. In other circumstances, it is people who may have a personal or political connection to those whose experiences are being recorded, or people who are “external” to the experience being documented that are actually doing the documentation. Implications differ according to who is in the lead in crafting a documentation project.

violations, activists and those who document their experiences.⁷

In contrast to traditional research based on the notion of the “neutral” researcher, feminist research is a value-based, engaged practice, with one of the main purposes being to improve the lives of women

⁷ The authors acknowledge that there are many different definitions of feminism, although most see it as a way of thinking, a political approach and a basis on which political movement rests. This manual is grounded in a simple and powerful definition sometimes attributed to author and activist Bell Hooks: feminism is a commitment to ending sexist oppression.

and transform the conditions that negatively impact us, our families, and our communities. The conversation among survivors, researchers, documenters and activists can be transformative for all involved. Most human rights documentation does not rest on this commitment, or foster this kind of dynamic approach. The content that follows is unique, as a result.

Activism and abuses: resistance, agency and knowledge

Many activists argue that funding for documentation projects tends to emphasize documentation of violations, with much less of an emphasis on documenting activism and the things that are particularly empowering in social justice work. Some claim that those who fund—or require documentation projects

CASE STUDY

In many situations, activists are interviewed about our own concerns, ideas and strategies but we don't get to shape the narratives that are ultimately told as documentation is produced.

The Coalition of African Lesbians (CAL) launched a project in 2014 which consciously attempts to address this question. With the intention of “writing for ourselves”, CAL embarked on researching and writing country reports in various African countries that not only describe and document, but also emphasize WHRDs’ analysis and interpretation of the realities groups face. Each report is to focus on lesbians and one other group that is systematically excluded from mainstream documentation and discourse, or criminalized. Activists in each country organize themselves into reference groups that either conduct the research or contract with feminist researchers who lead the projects with ongoing WHRD analytical input for the final report. The process is designed to evolve over time, and not be “one off”. Each report is to be updated annually, and as WHRDs themselves become more confident in and connected to the process, they can “take charge of the production of knowledge”, and have that work be the basis for organizing and advocacy on related issues in those countries.

for funding—emphasize recording of violations in ways that maintain a passive or “victim” status. And while there is need for data to support WHRDs’ claims, it is also true that in certain circumstances, *the emphasis on quantitative rather than qualitative study can create burdens in terms of reporting and narrowness in terms of analysis.*

The WHRD International Coalition asserts that it is critical for those who support documentation—including funders—to ensure that it is not only the stories of violence and discrimination that are the ones being told. Investment must be made to support WHRDs’ own research and “knowledge production”—this also challenges the potentially unequal power dynamic between the “documenter and the documented.” Support for documenting activism and acts of resistance must be made available in order to record challenges to oppressive circumstances.

Documenting activism allows narratives of expressions of power, outrage and creativity to be part of a social consciousness. These stories can educate the general public, change opinions, create tools for those in social movements to learn from one another and can even hold solutions for effective social change.

Gender, obstacles and the validation of experience

Although women human rights defenders are very accustomed to defending the rights and documenting violations of others, when the time comes to discuss and document the ways our own rights have been violated, we face a complex set of issues. *As with all women, many WHRDs are very much immersed in a culture of silence that discourages or sanctions speaking out about the abuses and violations we face.*

This is particularly true in cases of sexual violence, in which survivors and victims often experience shame and are blamed for the violations that have been directed at them. While sexual violence is certainly not the only kind of violation WHRDs face, it is undeniably global in nature and an all too common form of punishment. Because documenting instances of sexual assault presents risks to those targeted and sometimes those actually doing the documentation, it can be difficult to do. Victims and survivors seldom want to disclose what happened for fear this may lead to trauma, stigma, embarrassment, humiliation or more violations; all of these risks are salient, all over

the world. And, of course, there are particular and immediate risks if a family or community member has committed the abusive acts.

Additionally, women involved in human rights advocacy often don't see ourselves as women human rights defenders, or identify as activists, whether for reasons of humility or simply not wanting to call attention to our political work.

Sometimes the abuses WHRDs face aren't even recognized as actual violations—they are just seen as “normal” day-to-day life experiences. In other cases, we do not want to draw attention to ourselves and away

The sharing of the narrative is sometimes equally as important as the documentation “product” itself.

from the communities or issues we work on behalf of. Sometimes, because we have internalised shame, guilt or the belief taught that rights defenders should be able to deal effectively with threats against us, we may hesitate to tell the details of the violations we have faced. In addition, as activists, we may be reluctant to reveal vulnerability.

Given the many reasons that women often do not come forward to share stories of activism, violations, violence and discrimination, the process of document-

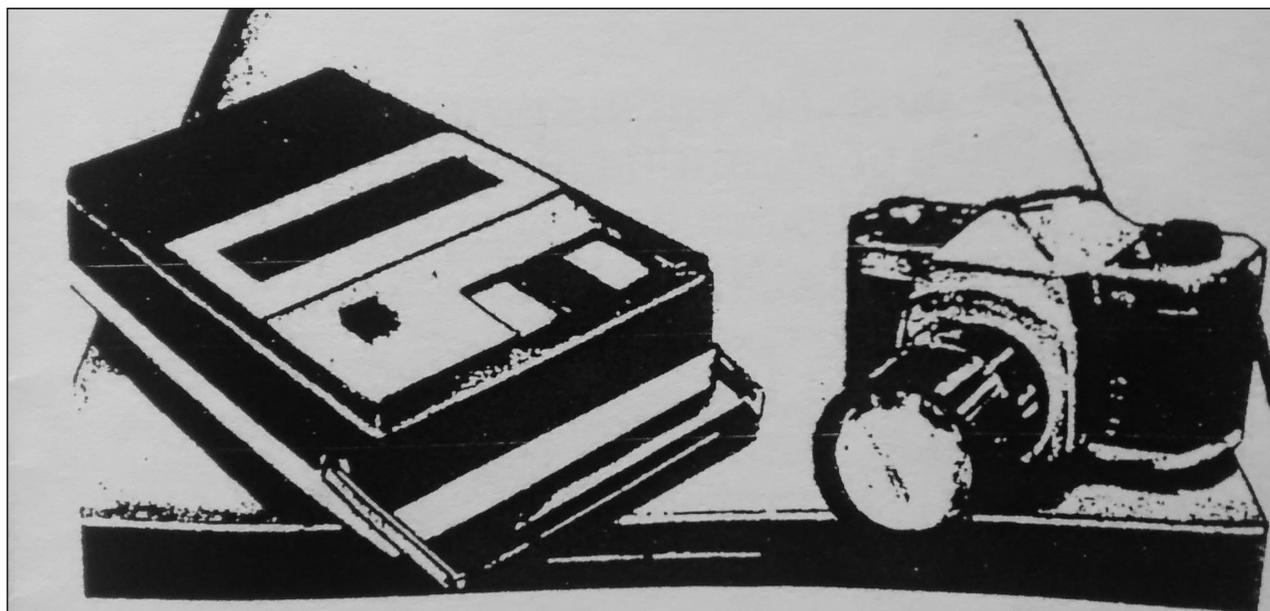
Women human rights defenders are also often reluctant to speak about ourselves and the dangers we face because we expect this as a central part of the work, a risk that is “part of the job description”.

ing one's own experiences—telling the story and being paid attention to and really heard and validated by another—can play a significant role in the process of coming to believe a harm was done and that it should not have been done, and in healing and self-care. These areas can be interlinked or even circular: when the “wellbeing” of WHRDs is central to an analysis, it can lead to being better able to see experiences as worth talking about and documenting.

Part of providing visibility to our experience comes from taking even the initial step of recognising our role as activists. As the process of documentation evolves, we may deepen our understanding of experiences as women human rights defenders, as people with rights, and as people engaged in a political project with purpose beyond our immediate activist goals.

Added value of documentation

Participating in documentation projects can also enable WHRDs' engagement in a larger effort beyond what exists in a specific locale, and may connect activists



WOMEN'S VIDEO COLLECTIVE OF THE 1980s
SENECA WOMEN'S ENCAMPMENT FOR A FUTURE OF PEACE & JUSTICE

Detail from a flyer of the Women's Video Collective (USA), 1983

to broader processes, thus building solidarity across locations, movements and communities. And in certain cases, WHRDs' documentation is experienced as part of a global human rights effort to highlight women's acts of resistance and those of activists who focus on gender issues.

Employing a feminist methodology ensures documentation:

- Maintains a balance between focusing on obtaining “technically useful” information and empowerment of those whose experiences are being documented
- Takes a participatory approach to gathering information and sensitively recording experiences and stories of women human rights defenders
- Incorporates ethical considerations into the collection of information
- Supports the agency and decision-making of defenders and victims/survivors
- Does not create a hierarchy of risks, violations or defenders
- Values acts of resistance

Objectives

Gendering Documentation provides a practical tool that can support defenders to record our own experiences and the experiences of others. It aims to build the capacity of women human rights defenders to analyse and record our situations, and to use this documentation to organise and mobilise for the protection and promotion of our own rights and the rights of others. As noted previously, the Manual rests on the conceptual foundation for analysing human rights violations provided in the Women Human Rights Defender International Coalition's Guidebook, “*Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*”.

While there are many uses for documentation, this manual is primarily designed to support those who seek to:

- Explore the systematic and pervasive nature of violations of rights of women human rights defenders
- Preserve the memory and history of activism and experiences of women human rights defenders
- Build recognition of the legitimacy of the activism of women human rights defenders
- Protect WHRDs who face immediate or long term risks

Women human rights defenders work with courage and resilience, often at great cost to ourselves and to those we love. We offer our power and passion, and our commitment, resistance and imagination to create change and build a more compassionate and just world. This activism and defence of rights must be researched and recorded.

- Promote a sense of solidarity for WHRDs across region and theme
- Provide care for the victims and survivors
- Obtain evidence of violations to pave the way for legal and policy interventions at local, national, regional and international levels.

Who is this manual for?

Many individuals, organizations and networks could benefit from the analysis presented in this project. Generally, though, this manual is intended for women human rights defenders as well as organizations and individuals that document or have the capacity—and the interest—to document human rights violations.

It is designed for those organizations, networks and individuals who:

- Do not yet engage in documentation at all or documentation on WHRDs but are interested in doing so
- Engage in documentation already but wish to do that work with a deeper sensitivity to gender.

For women human rights defenders themselves, *Gendering Documentation* puts forward a methodology and analysis sensitive to the challenges of documenting one's own experiences and the experiences of other women human rights defenders.

For individuals, networks and organisations that document violations against defenders generally, this Manual provides a conceptual and practical tool that can help capture the unique gendered experiences of women human rights defenders in an ethical and sensitive way. And it presents an analysis that allows a deeper understanding of the targeting of women human rights defenders because of gender, sexuality and related activism.

CHAPTER 2

What is documentation and why document violations against WHRDs?

Documentation is the act and product of recording an event, incident or experience. In a human rights context, at its core, it is about acknowledging that a harm has been done to someone or a group. It implies the judgment that that harm should not have taken place. And it is about the people who have been harmed (or those who can address what happened to the people involved) claiming the right to tell the story of what transpired.

Human rights documentation can take many forms and can be used in a range of ways, including in crafting legal submissions to courts, creating films or audio recordings for mainstream media, developing campaigning materials for broad advocacy, and for submitting reports to United Nations bodies to expose governments. The following chapter does not create a hierarchy in terms of kinds of documentation or its uses, rather it sees some of the purposes and effects as integrated and mutually reinforcing. It assumes that sharing a narrative of violations against WHRDs for purposes of healing and emboldening is linked to and as important as telling that story to seek action and protection from the State, or telling the story to leave a legacy in a family, community or political movement.

Documentation has many purposes—from providing immediate protection to bringing recognition, visibility and a sense of empowerment to activists—to seeking justice and redress. Documentation can be a first step toward each. Without proper documentation, human rights defenders cannot file a complaint, lodge a case in court, or engage constructively in lobbying and advocacy to draw attention to abuses. Solid documentation can be a cornerstone in defending rights for those

immediately affected or those who could be affected in the future.

For women human rights defenders, creating documentation of violations and of our advocacy is a political act of resistance that can help to build movements, and can also be part of a process of self-care. The act

Documentation in a rights context is a process about claiming the rights to speak at all, and to speak of injustice. It implies that survivors, victims, and those that care about them will not be silent. And it is a way of saying “this situation must be fixed” and “this must not happen again.” There is no one “right” way to produce documentation, nor is there one “right” way to use it to best effect.

of creating that documentation and recording the facts for its narrative can together challenge the broader contexts and environments that promote systemic violations of the rights of WHRDs all over the world. Telling the stories of women human rights defenders with accuracy and sensitivity can challenge discrimina-

tion within States and communities, or violence at the hands of individuals or militias.

From building coalitions of strong women—to helping individual survivors to heal—to changing a discriminatory national policy—to convicting a perpetrator—documentation can be understood as having several important and strategic purposes. Some of these are explored below. These discussions are meant to support and encourage women human rights defenders to create documentation, and they are also meant to encourage and support others who are documenting to tell the nuanced detailed stories of women human rights defenders.

What are some of the purposes of documentation?

Building recognition and acknowledgment of the legitimacy of the work of women human rights defenders

The contribution of women human rights defenders to the protection and promotion of human rights often goes unrecognised or undervalued. In many instances, WHRDs’ activism and roles as leaders in the public sphere are questioned and invalidated. Because many WHRDs must confront gender-based stereotypes about who “proper” women should be, and what types of work women are capable of doing or expected to do, we face significant *additional* impediments in activism. In other words, WHRDs face the same rights-related challenges that anyone else will in that same work, but also the added obstacles of confronting discriminatory societal ideas about gender in relation to our advocacy.⁸

Because we often defy cultural, religious, or social stereotypes about femininity, gender and sexuality, and challenge the limitations placed on the role and status of women in society, WHRDs are at particular risk. In addition, those with political or religious authority, and sometimes even those in human rights movements, may not recognise women’s issues, gender diversity or sexual rights as valid human rights concerns, and consequently women activists may not be considered

Do I have to identify as a women human rights defender in order to document other defenders, or to do gender-sensitive documentation?

No one has to identify in any particular way to take on documentation of women human rights defenders, or to produce gender sensitive documentation. With that said, having the commitment to share the experiences of WHRDs does make a documenter a defender of women defenders or of rights of women, so that person could be considered a WHRD also. This is important in terms of understanding some of the risks and challenges faced by people who document the facts and stories of abuses against WHRDs; in certain circumstances, those doing the documenting are at risk because of their choices to create a record of violations.

actual human rights defenders. The challenges to the legitimacy of WHRDs’ advocacy—and even to the recognition of WHRDs as defenders—serve to undermine WHRDs as activists, delegitimize the rights work we do, and ultimately may deprive us of protections afforded to male colleagues.

Documentation brings visibility and legitimacy to the work and contributions of women human rights defenders. It surfaces the stories of groups of people who are targets of violations, especially when those groups are marginalised and their experiences denied or suppressed. Alternatively, it also surfaces and challenges the silences and omissions about the specific risks WHRDs face as a consequence of our activism.

Documentation can ensure both the *inclusion and differentiation of the experiences of women human rights defenders* in the overall stories of human rights activism in a particular location or time. It can ensure attention to the experiences of people often left out of the telling of the “dominant” human rights story, including women, poor people, sex workers and lesbian, gay, bisexual and transgender activists, as well as others who are marginalized out of mainstream discourse. And it also can reveal how their work and experiences are unique.

⁸ Adapted from *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*; see footnote 1.

Producing gender-sensitive and gender-responsive documentation *can encourage additional documentation projects*, and can also spur other “producers” of documentation to further integrate WHRDs or related analysis. It can push other documenters to do better work, just as it can encourage new commitments to addressing gender in nuanced human rights processes.

Documentation *can form a body of work that makes WHRD-related human rights concerns irrefutable*. Because so much of human rights advocacy is about addressing *patterns* of violations, documentation becomes critical to successfully asserting that violations are taking place over time with repeated threats, incidents or targets. When trends are revealed, it often becomes easier to argue for and achieve specific results or protections.

Documentation *also contributes to narratives of history and building a collective memory in communities and activist movements*. It allows us to record our experiences as human rights defenders and as women. If there is no record of the violations inflicted upon women human rights defenders, the violations will not

Women human rights defenders are on a par with their male colleagues in putting themselves on the front line in the promotion and protection of human rights. In doing so, however, as women, they face risks that are specific to their gender and additional to those faced by men.

Hina Jilani,
E/CN.4/2002/106 p. 90

be recognised and WHRDs’ strategic work will never be known. It is also *for the sake of future generations*, so that women are not forgotten as anonymous victims, and our collective contribution to the defence of human rights will be acknowledged.

Documentation can help create role models for younger activists or WHRDs new to advocacy, and can spark interest in future innovative political projects. It can even lead to new ideas about how best to document, as we build on

the creativity and ideas of people around the world who are already pushing boundaries and developing new documentation methodologies.

Acting as a preventive and monitoring measure

By recording, publicising and disseminating information about violations against women human rights defenders, including their acts of resistance against those abuses, documentation can act as a preventive measure against future violations. Awareness-raising campaigns can bring greater local, national and international scrutiny, which can place pressure on State and non-State agents to take action to prevent violations, stop them when they are already taking place, and hold perpetrators accountable.

Documentation can also act as a *monitoring and early warning tool*. As a monitoring tool, documentation can track progress and retrogression in the respect of human rights. It can highlight systemic patterns of violations and assist in detecting warning signs of deteriorating human rights situations. By documenting and monitoring, WHRDs can hold governments accountable for failures to take action.

Alternatively, it is important to note that those who document and those who “are documented” can be at additional risk because of their decisions to go public with their stories and in pursuing their rights claims. The process of documenting WHRD experience can both create and minimize risk for those involved.⁹



Mothers of the Plaza de Mayo (Madres de Plaza de Mayo) gather in memory of disappeared family members; Argentina.

⁹ See section on risk assessments in Chapter 4 for more detail.

CASE STUDY

Azza Soliman is a prominent human rights lawyer in Egypt. In January, 2015, she saw the killing by police of poet and activist Shaimaa El-Sabbagh during a police-driven violent dispersal of a peaceful protest in Cairo, and was soon after named by the Egyptian government as a defendant—rather than a witness—in the case. Azza asserted police misconduct and was subsequently judicially harassed. A statement issued by the Center for Egyptian Women’s Legal Assistance, the organization Azza founded, documented details of the case and called for immediate action and international attention in order to pressure Egyptian authorities to drop the charges. They asserted that it was unjust to name a witness as a defendant, and that the government was harassing defenders in order to stifle protest and protect security forces.¹⁰ Azza’s case was taken up by many women’s and general human rights groups, with quite a few demanding the case be dismissed. In May of 2015, Azza was acquitted, yet the government’s Prosecution Office appealed the verdict and Azza continues to be judicially harassed.

For accountability, justice and protection

Documentation can be used as a first step in asserting a harm has been done and in securing an immediate response to assist a woman human rights defender at risk. For example, it can be used to create an urgent action campaign to pressure government and other key stakeholders to address immediate threats and secure protection.

Documentation provides a foundation for *holding perpetrators accountable and addressing impunity*

¹⁰ See “Egyptian law in the dock as Shaimaa al-Sabbagh witnesses go on trial”, The Guardian, <http://www.theguardian.com/global-development/2015/apr/09/egyptian-law-shaimaa-al-sabbagh-witnesses-trial-azza-soliman>, April 9, 2015. In addition, see FIDH’s comments, at <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/egypt/egypt-judicial-harassment-of-ms-azza-soliman> and Nazra for Feminist Studies’ joint statement about the case at <http://nazra.org/en/2015/03/continuous-targeting-human-rights-defenders-egypt-witnesses-become-defendants>.

for violations against WHRDs. Accurate and reliable documentation can help advocates access judicial processes at the national, regional, and international levels for seeking accountability of perpetrators and redress for women human rights defenders.¹¹ Furthermore, beyond formal processes for redress and justice, documentation can be critical in the pursuit of other forms of justice, such as gaining public acknowledgment, accessing reparations, facilitating reconciliation in communities, and building other kinds of support for WHRDs.

This is a critical distinction between women activists’ experience and that of others. Because of the gender discrimination that often “relegates” women to private space, many WHRDs experience violations primarily in the home or in other less public spaces. Abuses are

For women human rights defenders, the perpetrators of violations against our human rights are, on a global level, frequently non-State and private actors—and often members of our families and communities.

therefore often invisible to or denied by those in authority. States, however, have responsibility to address abuses that take place “in private”, especially where patterns of abuse are known to occur. Documentation can promote a critical understanding of violations and perpetrators in the private and public spheres as well as the inter-linkages between them.

In addition to addressing individual violations, documentation, as noted above, can assist in *identifying patterns and trends* related to abuses against women human rights defenders and the factors enabling these abuses to happen. *Placing an individual’s experience in broader context can expose the continuum of historic and current violations and assist in identifying the factors facilitating these abuses.* This is vital in exposing the systemic nature of attacks against women human rights defenders and their work, and developing appropriate responses to address them.

Alongside the recording of abuses, the sharing of details of WHRDs’ activism remains critical. The process of documenting—both activism and violations—

¹¹ Several avenues available and how to access and use them are explored in Chapter 5.

In the current global political climate of “shrinking space for civil society”, women’s organizations and sexual rights groups are sometimes among the first to be challenged by conservative forces.

can build organizations’ (and individuals’) capacity, and consequently contribute to movement building and effective coalition advocacy. It provides very specific opportunities for collaborative work across networks and sectors and can educate not only about issues, but about resistance to oppression.

Addressing and challenging the impact of context and environment on violations

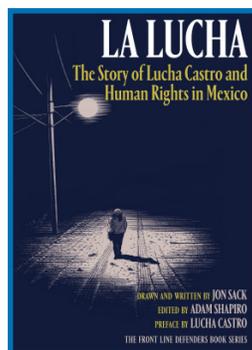
Documentation can expose and lend nuance to a critical fact: *The advocacy and experiences of WHRDs are deeply affected by the contexts or environments in which they take place.* Too often, the socio-political and cultural conditions that shape people’s activism and gender roles are not taken into account in mainstream human rights analysis. This is critically important for women human rights defenders for two reasons: 1) this omission in analysis makes all defenders’ experience the same, no matter what the activists’ gender or areas of focus, and 2) the omission undermines the reality that WHRDs’ activism cannot be seen as separate from the social conditions shaping it, or separate from the obstacles and risks we face as a result of those conditions. Truly gender-responsive documentation will address the effects of broader societal norms affecting women human rights defenders.

On a global level, WHRDs engage in defence of human rights in various contexts of gender inequality and discrimination. Our advocacy often takes place under limiting social conditions such as patriarchal and heteronormative social norms, as well as more overt gender-related legal restrictions that have dramatic impact on women’s freedom—including those that can make it illegal for women to engage in social change efforts.

Alongside the contexts of misogyny and sexism, there are other factors documentation must address to adequately capture defenders’ experience. As previously noted, these include, but are not limited to: *milita-*

*rism and conflict, fundamentalisms, globalisation and neo-liberal policies, heterosexism and patriarchy and crises of democracy and governance.*¹² Taken together, these can affect not only violations themselves, but also the documentation of them. Under certain conditions, engaging in a documentation process could present more risk than in other circumstances (for instance, documenting in a climate of war or military conflict may present specific dangers not present in “peacetime”).

Documentation that captures the context and environment in which WHRDs carry out our activism can assist us—and others—to challenge existing ideologies, structures and institutions. It can also help to identify and address patterns of violations that might otherwise be invisible, such as those related to the contexts noted just above. Documenting the environments that



In a creative and new form of documentation about WHRDs, Front Line Defenders and Verso Books in 2015 released a graphic novel about Lucha Castro, a courageous woman human rights defender in Mexico. *La Lucha: The*

Story of Lucha Castro and Human Rights in Mexico is the first in a series of non-fiction graphic novels that tell the true stories of WHRDs who promote human rights, justice and accountability. *La Lucha* uses drawings to focus on Lucha Castro, her colleagues at Centro de Derechos Humanos de las Mujeres, and other defenders who defend human rights in Chihuahua and Juarez.¹³

¹² The Women’s Human Rights Defender International Coalition has emphasized these contextual factors as critical to understanding WHRDs’ experience. For additional information about this analysis, see the WHRD-IC “Global Report on the Situation of Human Rights Defenders”, available at http://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf

¹³ *La Lucha: The Story of Lucha Castro and Human Rights in Mexico* is available here: <https://www.frontlinedefenders.org/la-lucha-donate>

facilitate abuses can contribute to creating, repealing or revising laws, policies and practices.

Documentation can even help to shift the very cultural attitudes that are used to justify abuses of women human rights defenders.

Documentation is one critical element of a broader strategic and political agenda that aims to both bring about social justice and also to challenge the ideologies and systems that oppress women and all individuals who do not conform to gender and sexuality norms.

The importance of documenting the context and environment is explored in greater detail in Chapter 3.

Assessing the purpose or purposes of documentation can also allow for changes over time: the reason to document the experiences of women human rights defenders may shift as information is exposed. What may begin as an effort to contribute to strengthening the “historical record” can easily shift into a legal effort to pursue justice. Both purposes are fundamentally valid, but the legal effort may not have been possible without the initial decision to document in order to make women’s activism visible. When rationales shift, so might desired outcomes. This fluidity is important to both the process and the product, and can allow for the greatest levels of empowerment of all involved.

Serving as a means of empowerment and learning

The way documentation is carried out, in addition to the production and use of the documentation material, can generate and sustain a sense of empowerment for women human rights defenders—both individually and collectively.¹⁴

Creating or participating in documentation projects can provide *a safe space for victims and survivors to tell their stories*, especially if they know that their confidentiality will be protected, and their testimonies will be

part of processes for justice and reconciliation. When done properly, the documentation process can build a context of trust and contribute to defenders’ healing.

Documentation processes can:

- **Teach about activism**, social movements and the creative courageous individuals behind them
- **Present opportunities** for women victims and survivors to link their experiences with those of others, for mutual support and collective action.
- **Build alliances**, networks, coalitions and even social movements.
- **Promote solidarity** between communities and groups affected by violations locally, nationally and internationally.
- **Create a learning tool** and consequently foster organisational capacity.
- **Support survivors** to identify their specific needs so those are included in any future processes of seeking truth, justice and reparations.

Overall, engaging in documentation processes can provide an empowering basis for reflection and evaluation. This engagement can provide ways of deepening insight about risks, and can foster new *understandings or forms of human rights violations against women* human rights defenders.¹⁵ Documentation of WHRDs can contribute to creating more strategic and context-appropriate interventions or even new mechanisms for remedy and redress.

Why is it important to identify the purposes of documentation?

Determining the purpose that motivates a documentation project is critical. In one sense, all documentation is produced in order to tell a specific story for some form of political or social outcome. But having a clear rationale for why a story or event is being recorded can impact the kind of information sought or the strategies that may be built into the process. For example, documenting for the purpose of seek-

¹⁴ Drawn from *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*; see footnote 1.

¹⁵ Consider the following two good examples of how the interpretations of human rights are fluid and rest on social justice advocacy over time: As a result of women’s human rights advocacy over the last few decades, under certain circumstances, domestic violence is now seen as a form of torture, and rape in marriage is now seen as a legitimate human rights concern by many legal systems and advocates. Survivors of violations can now seek redress in ways they could not have even ten years ago.

Documentation about women human rights defenders may rest on different motivations and speak to different needs. Yet, at its core, it is about making activist experiences visible and righting wrongs.

ing justice and accountability of a perpetrator may require a greater depth and detail of information than that needed for initiating a public awareness-raising campaign.

The purpose of documentation may be shaped by the context in which the violation is taking place, including in situations that are changing quickly. So in the context of, for instance, work in a country where there is an emerging democracy, instability of the judi-

cial system may lead advocates to conclude that less formal means of obtaining justice for WHRDs, such as public acknowledgement of violations, may provide a better suited purpose than legal remedy at that particular time.

Assessing the purpose or purposes of documentation can also allow for changes over time: *the reason to document the experiences of women human rights defenders may shift as information is exposed*. What may begin as an effort to contribute to strengthening the “historical record” can easily shift into a legal effort to pursue justice. Both purposes are fundamentally valid, but the legal effort may not have been possible without the initial decision to document in order to make women’s activism visible. When rationales shift, so might desired outcomes. This fluidity is important to both the process and the product, and can allow for the greatest levels of empowerment of all involved.

CHAPTER 3

What to Document

Generally, human rights documentation is shaped by two factors: the *rationales* that motivate the process and the *expectations* or needs from it. As noted earlier, documentation generally shows that a harm has taken place and assumes there ought to be accountability for it. And, we also document our activism for movement building, historical and tactical purposes, and simply to educate. In terms of documenting harms, traditionally, the documentation process has focused on gathering information relating to the victim, the perpetrator and the violation that has taken place.

However, adequately capturing the experiences of women human rights defenders requires asking questions beyond those that generally shape a documentation process. *To make gender specific details visible, documenters must commit to seeking information beyond the norm—they must go beyond the analysis of what shapes the experiences of all defenders in order to get at what is particular, as well.*

Not all violations against WHRDs are gender-specific. But there must be sensitivity to which are, and to how risks, abuses and repercussions may be shaped by gender.

- **Part I of “What to Document” looks at a range of critical gender-related issues facing WHRDs**, and includes an emphasis on “gendered” forms and consequences of violations; the targeting of “identity”; perpetrators, including State/non-State and private actors; and exposing patterns of abuse.
- **Part 2 of “What to Document” explores documenting the context and environments that shape abuses** and also women human rights defenders’ activism in order to promote understanding of violations and their impacts, and then consequently to develop effective strategies to seek accountability for them.

In documenting violations and abuse against women human rights defenders, it is important to elicit and record all the factors—however insignificant they may seem—that constrain or obstruct activism. It is crucial to accurately establish the nature of the attacks as they relate to the political and cultural climate, as well as the identity and advocacy of the people targeted.

Taken together, these elements lay the foundation for gender-sensitive, gender-responsive, effective and useful documentation that can:

- Reveal the context that may have facilitated the violation
- Expose the perpetrator(s) who might otherwise have been hidden or “excused”
- Challenge the impunity of perpetrators
- Explain why the violation took a particular form, and
- Shape the responses of the State, the community and activists to the violations.

In many cases, this kind of documentation can also help defenders challenge the very contexts that allowed the initial abuses.

Part 1: Violations, Gender and Critical Issues

In terms of international law, violations against women human rights defenders refer to the infringement of any of the rights guaranteed under the U.N. Declaration on Human Rights Defenders and other widely ratified international human rights conventions.¹⁶ But, of course, something does not need to be written in a U.N. Convention to be considered a harm. Also, on a more general level, the abuses against WHRDs take new forms as time evolves and new challenges appear.¹⁷ Consider the hacking of websites and cyber bullying as only two examples of new obstacles requiring fresh analysis. Those who are sharing the experiences of WHRDs must adapt and grow in order to do their work most effectively.

*While there may be gradations of risk,
WHRDs are targets in all regions
in both the global North and South.*

Women human rights defenders face the same violations that other human rights defenders face, such as physical attacks, torture, enforced disappearances, arbitrary or preventive arrest and detention, death threats, attempted killings and assassinations, use of legal and administrative procedures to violate freedom of association, and violations of freedom of expression and assembly, to name only a few. But, in addition, we face *gender-specific violations and abuse* and *gender-specific consequences* as a result of violations of our rights. We also face *heightened risk of attacks* because of who we are and what we do. Women human rights defenders engage in activism under different levels of repressive conditions.

For many WHRDs, the risk we face directly relates to our defence of women’s human rights, reproductive rights and sexual rights—all of which are generally deemed “controversial” by State or religious authori-

¹⁶ *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders* offers a typology of these violations and abuses from a gendered lens. This exploration rests on insights from extensive global advocacy on and analysis of human rights of women, gender and violence. See footnote 1.

¹⁷ Consider, for instance, how women face attacks and punishments in social media.

WHRDs sometimes have the added burden of not only challenging the harm, but also the “system” that allowed it. This is particularly salient when perpetrators use cultural, historical or religious references in efforts to delegitimize defenders’ political activism or identities.

ties. But, as previously noted, WHRDs are at risk even when our activism is not specifically related to gender. Yet, the forms and manifestations of each violation and abuse, explicitly or implicitly, often have gendered dimensions. In all of these situations, WHRDs and those documenting our experience face daunting challenges.

One of the most significant challenges is that, in some situations, the abuses that defenders face may not even be recognized as violations by those with State authority, other “duty bearers” or by the general public. Sometimes the violations are not even hidden: the problem is that what happens—very visibly—is not understood or thought to be problematic. In such situations, defenders bear an additional burden—we must not only defend against the violations themselves, but also engage in processes that educate and change the context and culture in which the harmful situations took place.

Documentation processes may simultaneously help support defenders’ seeking redress for violations and also their efforts to educate and change attitudes about those violations.

In certain circumstances, a documenter must sensitively ask probing questions while still making the “subject” feel safe. These may include questions about a survivor’s sexuality or family, or other issues that are often private but which may be relevant to the case. Without the broader picture of a defender’s personal and political context, only part of the story can be told. That story may end up to be a “gender-less” one if those involved are not keenly aware of the need for this kind of exploration.

Seeing attacks as “common crimes” without understanding how ideas about gender have played a role in bringing them about can lead to a documenter misclassifying the abuses and consequently limiting the range of remedies available. Too often, people who document do not have the skill or sensitivity to identify gender-based violations, or they do not see how gender

and sexism influence the ways abuses are perpetrated. Understanding and documenting the circumstances or environment surrounding the case are also a necessary part of ultimately ending the abuses.

Common Concerns

The following subsections in Part 1 of this chapter explore everyday critical issues for and violations against women human rights defenders.¹⁸ While these abuses sometimes can affect other defenders, they are singularly common to WHRDs' experience.¹⁹

- 1 The gendered nature and forms of violations
- 2 Their gendered consequences
- 3 Violations targeting defenders' identities
- 4 Naming the perpetrators: State, non-State / family, community and other "private actors"
- 5 Patterns of violations

A gender-sensitive and gender-responsive documentation process should question and address each area as it is relevant, and the intersections across them.

GUIDING QUESTIONS

- What is your activism?
 - Who is threatened by it, or who tries to control it? Why?
 - What happened to you? What was the violation or abuse that you experienced?
 - Why do you think you were singled out for attack?
 - Are other women human rights defenders at risk in the same ways? Other defenders, generally?
-

1. GENDER AND VIOLATIONS

As noted above, women human rights defenders are subjected to the same violations to which all defenders are subjected. Yet, a number of violations are gender-based in and of themselves, or are inflicted in gender-specific ways, or most commonly at women, such as sexual assault or rape, sexuality-baiting, domestic violence, or targeting of children and other family members. In climates of heightened gender inequality,

¹⁸ These issues are not mutually exclusive.

¹⁹ Male defenders are subjected to a range of gendered abuses, including sexual assault, which is sometimes perpetrated precisely to attack the "masculinity" of the activist. All defenders can be targeted for assaults that are gendered in nature; this is why understanding the contexts of how and why an abuse is perpetrated is so significant.

WHRDs may also be subjected to other gender-based violations such as restrictions on women's freedom of movement, or denial of rights to freedom of assembly or political participation. Discriminatory laws and practices (including those dictated by religious precepts) often manipulate sexist ideas about gender to restrict rights of women, and of course this has bearing on the ways women can engage in their activism. *Addressing these kinds of social and legal contexts that WHRDs face can make the difference between documentation being thorough and useful or incomplete and ineffective.*

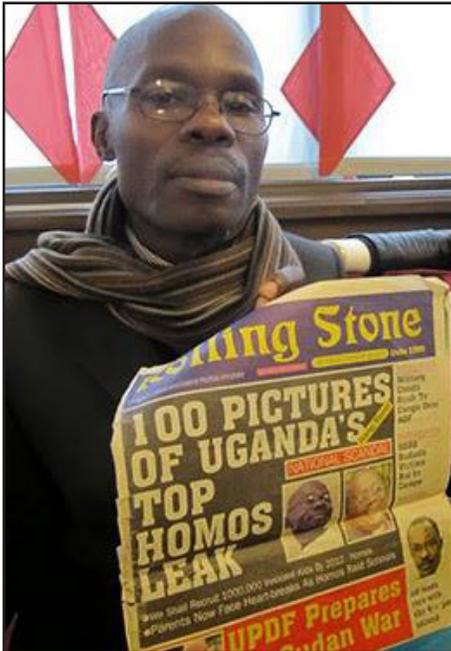
In some instances, gender and related ideas affect *how abuses are enacted* in addition to their being enacted *against a "gendered" target* (for instance, attacks on pregnant women that are designed to cause threat to the fetus).

Gender-based violence and other gender-related violations are not restricted to women, but can apply to anyone who faces violations because of their perceived relationship to gender. Men can be targeted in ways that are meant to challenge their "masculinity". Homophobic and transphobic attacks are also forms of gender based violence since they are grounded in assumptions about gender, social roles and appearance. For instance, transgender women are sometimes subjected to physical attacks directed at their chests, with the intention of causing ruptures of breast implants. And gay male defenders (and all others in

Gender-based violations and gender-based violence can generally be understood as the infliction of abuses and violence on a person because of her or his real or perceived relationship to gender and consequently to social roles in any given society. In the case of women, gender-based violence has been understood as "violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life"²⁰

²⁰ Article 1 of the U.N. Declaration on the Elimination of Violence against Women (DEVW), proclaimed by the U.N. General Assembly in its resolution 48/104 of 20 December 1993.

CASE STUDY



David Kato, a Ugandan activist who was a well-known LGBT advocate, was killed in his home in 2011. A few months before the brutal murder, David's image had appeared in a homophobic tabloid newspaper's cover story under the heading "100 Pictures of Uganda's Top Homos Leak" with a banner of text that said "Hang Them". The murder was initially classified solely in connection to a robbery. Activists had to organize to demand a deeper accounting and investigation from police, who initially denied the murder had anything to do with the fact that Kato was gay.

LGBTI communities) may be subjected to violence, harassment and threats to privacy or confidentiality. In all of these situations, gender is at play.

Gender-based violence against women can also take sexual or gender-specific forms, such as in the case of sexual violence, rape, or female genital cutting. Verbal harassment (including sexuality-baiting or lesbian-baiting), acts of omission (such as neglect or deprivation) and structural discrimination (perpetuated by social, economic or political structures or institutions) can also be considered as or result in gender-based violations against women.

a. Targeted for who they are

Some abuses may not appear to have any gender dimensions based on the form they take. Abuses may seem, on their "face" not to have anything to do with gender (for instance, sometimes people are killed and robbery is named as the motive, yet deeper exploration can reveal a much more complicated—and gendered—story). Closer examination of the circumstances or context surrounding the violation or abuse could reveal elements of gender that may have been hidden to many investigators or documenters.²¹

b. Sexuality and gender-specific violence

Women human rights defenders are subjected to abuses because of gendered "rationales" that perpetrators use to justify their attacks. Sexuality can be controlled and punished, and it can also be part of how punishment is enacted. In addition, it is often a thread that links the *reason* for the abuse with *how* it is perpetrated.

The control of sexuality and reproduction (of all women, girls, poor people, sex workers, lesbian, gay, bisexual, transgender and intersex people, and many others) in a context of patriarchy, male domination, gender inequality in laws and policies, and heteronormativity,²² is one of the crucial social mechanisms of subordination used by those with political or social power.

Inevitably, this results in clampdowns on defenders who are seen to challenge sexuality "norms", most of which are determined, historically speaking, by male authorities. And almost as inevitably, this sexuality analysis is generally not included in mainstream documentation that seeks to explain why violations occur.

Abuses are often directed at women, and sex worker and lesbian, gay, bisexual, transgender, and intersex²³ defenders precisely to punish their relationship to

²¹ See section 3 in this chapter for more detail on targeting defenders' identities.

²² Heteronormativity is first defined in this manual in the Overview/Introduction in the discussion about chapters in the report. The privileging of heterosexuality and the valuing of heterosexual unions as the "norm" for the foundation of "the" family also often asserts reproductive sex as the only acceptable form of sexual behavior.

²³ People with intersex characteristics are born with sexual or reproductive anatomy that doesn't fit the norm of what is considered female or male. Gender is often chosen for people born with intersex characteristics at birth or in childhood, and medical intervention is often used to "create" a body that fits with that chosen gender. These gender assignments do not always comport with how young people

CASE STUDY

The website of the Latin American and Caribbean Women’s Health Network (LACWHN) was hacked and disabled in September of 2013. This sabotage occurred just after LACWHN posted materials in support of the international campaign, “September 28 Global Day of Action for Access to Safe and Legal Abortion”.²⁴

sexuality—in terms of their identities, their bodies or their advocacy. The abuses themselves can be sexual in nature, but certainly extend well beyond rape. Other violations that are sexualized also fit into this category, and are therefore important to document. These can include acts of torture that are directed at genitalia, sexual harassment, forced pregnancy, and verbal abuse. And, of course, abuses can be enacted against a “target” that is being negatively judged about sexuality—this can include killings of sex workers, or those based on sexual orientation and gender identity, and also restrictions on organizations that focus on sexual rights-related advocacy.

Reproductive rights activists also are targeted for similar reasons, as they, too, are seen to be defying norms of family, reproduction and sexuality. Advocacy for access

born intersex develop physically or psychologically, and discrimination and stigma often result. Increasingly, activists on intersex issues are making claims about the abuses that ensue when decisions about gender and sexuality are made for people without their knowledge or consent, when medical intervention is forced, and how these decisions lead to additional abuses. The violations people born with intersex characteristics face occur in a context that is both different and similar to the contexts of sexual orientation and gender identity. Under an analysis based in “regulation of bodily autonomy and sexuality”, these issues are all similar because of the fact that gender and sexuality are regulated in all societies. There is also a distinction between abuses against intersex people generally—and abuses against defenders who are intersex or who face violations because of their advocacy on those issues. This WHRD Documentation Manual seeks to support the rights of all people born with intersex characteristics in their struggles against violence and discrimination. In addition, it seeks precision in its use of terms and references to groups of people. In an effort to be respectful and accurate, the names and acronyms used will sometimes focus solely on sexual orientation or gender identity—or the terms “lesbian”, “gay” “bisexual” and “transgender”—based on the body of human rights information available, known patterns of abuse, and accuracy in the assertions made. While there is a growing and useful trend to use the acronym LGBTI, for instance (where “I” means intersex), the editors have made decisions not to use this acronym as the norm because it may imply an inaccuracy in the analysis. When violations against defenders are based on intersex identity or advocacy on intersex rights issues, the term LGBTI is, of course, used.

²⁴ “WHRD-IC condemns systematic digital harassment of LACWHN”; <https://www.apc.org/en/node/18613>.

to safe abortion and comprehensive sex education often places WHRDs and our organizations at risk.

c. Domestic violence

One of the most common forms of gender-based abuse is domestic violence, which is rooted in the assertion of patriarchal and misogynist power in intimate relationships, and which often takes place in private, out of the public eye. Women human rights defenders have been victims of such abuse on a global level by intimate partners and family members who desire to control them—and stop their activism.

Too often, family members and intimate partners in many societies see women’s activism as bringing shame to their families or communities. Their goal is to punish

CASE STUDY



Protesting violence against sex workers, India.

Children of sex workers in India led a 500-person coalition-based march that coincided with International Mothers’ Day in 2012 to protest police abuses against sex workers. In particular, marchers were protesting the beating of Anu Mokal at the hands of police, who accused her of “soliciting” (in reality, she was delivering food to a hospital). The beating resulted in Anu having a miscarriage. Anu claimed that “Married women carry the family heir in their womb, so their pregnancy is considered sacred, but ours is insignificant since we fall in the ‘bad women’ category.” Sex workers participated in the march, as did activists from other groups in a show of wide solidarity.

CASE STUDY

Laxmi Bohara was a member of the Women’s Human Rights Defender Network (WHRDN) in Nepal. She worked as Secretary of the Women’s Empowerment Centre, was an active health rights volunteer and was involved in challenging illegal logging in her district. According to the Women’s Rehabilitation Centre (WOREC) in Nepal and the International Service for Human Rights (ISHR) in Switzerland, Laxmi had been severely criticised and harassed by her husband and mother-in-law for committing herself to human rights work. They had accused her of “consorting with men” in the course of her work and had seen her activism as incompatible with her domestic role as a wife and mother living in a Hindu community. In June of 2008, Laxmi was severely beaten by her husband and mother-in-law and then forced to ingest poison. Her husband took her to a hospital, where she later died. The investigation failed to take into account the pattern of domestic abuse that Laxmi Bohara faced regularly at the hands of her husband. Just ten days before her death, he had thrown her out of the house, although she returned when he promised to stop beating her.

those who are seen as not taking on “proper” roles within family or community structures.

Domestic and intimate partner violence can be particularly hard to document for a number of reasons, not the least of which is that defenders themselves often don’t want to implicate family members—either because they don’t want to expose them or because they fear additional risks.

Human rights organizations have been slow to address the private or domestic sphere as a site of violations, yet the realities of where violations against women often take place have shifted the discourse in the last two decades. It is now more commonly understood that abuses taking place in private at the hands of non-State actors can be considered punishable human rights violations. Yet, State authorities remain reluctant to take responsibility for patterns of abuses perpetrated by non-State actors—especially when those take place in the private sphere.

This presents difficult challenges for those seeking to document for accountability or redress, and, of course, for the defenders themselves. When risks exist within the home environment, WHRDs may not want their stories to be told for fear of further, immediate, and potentially escalated abuses resulting from exposure of partners or other family members. *Those documenting cases in which defenders are targeted in the home or within the domestic sphere must take particular care in soliciting, addressing and using defenders’ information so as to minimize risks.*

GUIDING QUESTIONS:

- Was the person who enacted the violation against you a family member?
- Is there additional risk within your family? (Are you safe at home?)
- Did the violation take place in your home or the home of the perpetrator? In another private space?
- Will community members or other family members protect the perpetrators?
- Who outside your family / community can you be safe with?
- Is there a place for you to go if you face additional abuses?
- Is there a history of violence within your family? Directed at whom? Why?
- Did police respond, if they were called?
- Are there legal provisions that protect survivors of domestic abuse?
- Are social services available for survivors of these abuses?

d. Attacks on Reputation and Sexuality Baiting

Women human rights defenders are often verbally maligned and challenged by those with political or other authority who have the intention of harming their reputations and ultimately making their activism less effective. Many within human rights communities do not focus on infringements of the “right to reputation” (or to be free from attacks on reputation), yet for WHRDs, this is an often-used tactic that deserves greater attention.

One common gender-based violation against WHRDs is *sexuality baiting*, or the manipulative use of prejudices about sexuality to attack defenders’ political agendas in addition to the attacks on the defenders themselves. This form of verbal abuse or harassment

maligns the reputation or credibility of activists by either overtly deploying language meant to be critical or subtly insinuating something about the defender's relationship to sexuality.²⁵

Those with political or religious authority in all regions label women defenders (and defenders of rights related to gender and sexuality) as “bad women”, “bad mothers”, “abnormal”, “immoral”, “deviant”, “prostitutes”, “alien”, “Western” and other terms meant to be derogatory within a particular social context in efforts to silence and discredit them and inhibit their work.

These terms generally have an implicit, although

sometimes very overt, connection to social understandings of gender and sexuality, as if there is a “pure” or national or regional norm from which WHRDs are deviating.

“Lesbian baiting” is a potent form of sexuality baiting. In many countries, identifying a person as a lesbian (accurately or not) is the most damning allegation that can be made to hurt a defender's reputation. Organizations are challenged this way, as well. Many women's rights groups that don't even have a focus on sexual rights are named as lesbian organizations in sexist and homophobic attempts to undermine their efficacy and their leaders.

CASE STUDIES: REPUTATION AND SEXUALITY-BAITING

Stasa Zajovic is a feminist and women's rights activist in Serbia. She is one of the founders of Women in Black–Belgrade, and also was one of the main coordinators of the 2015 Women's War Crimes Tribunal. According to Women in Black–Belgrade, in April of 2015, days before that Tribunal was to take place, the leader of the far right Serbian Radical Party, Vojislav Šešelj—who is also a defendant at the International Criminal Tribunal for the former Yugoslavia for crimes against humanity, including murder, torture and persecution of Croats, Muslims and other non-Serbs—verbally attacked Staša during a court hearing.

“You hag! I've never seen an uglier woman. You are a witch! They should've strangled you in the crib, when they saw how ugly you were. Do you have a girlfriend? It has to be said publicly, the public needs to be warned. There's nothing feminine in her.”

Women in Black–Belgrade asserts, “This was just one in a series of attacks organized by fascist groups in Serbia targeting the women defenders of human rights ... [because of] their public advocacy of facing the past and punishability of war crimes committed in our name. State insti-

tutions hold responsibility, since they do nothing to prevent or react to such attacks. Their omission helps sustain the atmosphere of unpunished and unpunishable violence against all those who dissent” from the views espoused by Aleksandar Vucic, the Serbian Prime Minister, who is also former secretary general of the Serbian Radical Party. They note concern about media representation of this verbal attack, which they say generally depoliticized it and characterized it as a “personal argument”.²⁶

From 2008–2014, Navi Pillay was the High Commissioner for Human Rights, in effect the executive director of the U.N.'s Office of the High Commissioner for Human Rights in Geneva. While many regarded Pillay as a courageous and bold defender of human rights, some sought to belittle her positions on a range of issues. After she claimed that the Syrian government ought to be referred to the International Criminal Court, the Syrian Ambassador to the U.N. referred to her as a “lunatic”.²⁷ A Sri Lankan newspaper closely aligned with government positions in that country's internal civil struggle also referred to her as a “Tamil tigress” in their efforts to damage her standing within the U.N.²⁸

²⁵ *Written Out: How Sexuality is Used to Attack Women's Organizing*; Cynthia Rothschild; Center for Women's Global Leadership, International Gay and Lesbian Human Rights Commission, 2000 and 2005. <http://www.cwgl.rutgers.edu/docman/violence-against-women-publications/176-written-out-pdf/file>

²⁶ Ljiljana Radovanović and Miloš Urošević on behalf of Women in Black–Belgrade; statement can be found here: <http://www.siawi.org/article9407.html>

²⁷ <http://www.reuters.com/article/2014/04/08/us-syria-crisis-un-rights-idUSBREA371UM20140>

²⁸ <http://www.lankaweb.com/news/items/2010/03/12/tamil-tigress-in-un/>

But it is not only women or lesbian, gay, bisexual, transgender and intersex activists who are subjected to attacks related to sexuality—even men who support women’s rights and sexual rights have been baited with challenges to their masculinity and whether they are “real men”. This tactic is extremely common across cultures and regions.

Attacks on the reputations of WHRDs are universal—they are targeted at defenders who are both known only in their communities and also against those who are known internationally; cases can be very local or can play out on global stages. Whether or not verbal harassment is sexual in nature, it is a “tried and true” form of demeaning and challenging the legitimacy of WHRDs. Documenters must listen carefully for nuance in the description of what was said in a particular case so as not to assume these attacks are simple “name calling”. Undercurrents in the words used often reveal political positions, and should be addressed to accurately analyze attempts to discredit defenders and their reputations.

e. Attacks against family

Attacks against women human rights defenders’ families are often considered an effective tactic to discourage them from continuing their activism. The stereotypical perception of women in primarily care-giving roles—as well as the reality that women are often responsible for the care of children and other family members—plays an important part in the motivation of perpetrators to target family members of activists.

In some cases, women human rights defenders are reluctant to document the abuses they have endured precisely for fear of retaliation against family members. Threats against children are common tactics.

In circumstances where family members are threatened, documenters must address this as a gendered part of the narrative.

2. GENDERED CONSEQUENCES

Not all defenders experience the aftermath of violations in the same way: WHRDs sometimes face gender-specific *consequences* as a result of violations. These are generally shaped by the very discriminatory social and political climate that brought about the abuses in the first place. The ramifications and effects of violations can be “gendered” in ways that are important to document even when the abuses do

not seem to have gender at their core. *To not look at gendered consequences can flatten the experiences of all defenders into “sameness”,* sometimes at the expense of those seeking justice and accountability.

Gender discrimination is apparent not only in law but also more insidiously, in generally patriarchal or male-defined and articulated norms, codes, attitudes and practices that remain unchallenged in many communities. For WHRDs, the manifestations and consequences of such structural discrimination are devastating. For women defenders in particular, it is easy to get trapped in a cycle of gender-related oppression: we are too often subjected to gender-based violence because of our specific advocacy on gender equality and women’s human rights. In a context of structural discrimination, the causes, manifestations and consequences of some abuses are all rooted in oppression related to hierarchical ideas of masculinity and femininity.

GUIDING QUESTIONS:

- What is the impact / effect of the violation or abuse on you as a woman or as an LGBTI person? What is the impact of this violation upon those close to you?
 - In what ways, if any, has this affected your activism? Why?
 - In what ways, if any, has the violation or abuse also affected other activists / defenders working with you?
 - Is there a different impact on activists who are not WHRDs?
-

Sexual violence

Women human rights defenders face gendered consequences of the sexual violence and abuse committed against them. Some of these consequences are a direct result of rape: the effects can be biological, and can include pregnancy; psychological, with related trauma symptoms; or they can be social, and can include the stigma that rape survivors often experience.

Although rape is a ubiquitous assault experienced in all regions, the culture of shame and silence surrounding sexual violence is equally ubiquitous and has dissuaded many WHRDs who experience these violations from reporting them and pursuing criminal charges. Aside from suffering the biological implications particular to their gender, WHRDs are further discriminated against or marginalised as a conse-

WHRDs' decisions to make public claims about experiences of sexual violence and / or to press charges are courageous and are, in themselves, acts of resistance.

quence of the abuses. As with other women, WHRDs' experiences of marginalisation could affect or limit the capacity to seek resources for protection and support. All of these challenges, taken with the realities of structural and legal discrimination, could easily impact decisions WHRDs make to continue, enhance, slow or stop their activism.

Engaging in a sensitive documentation process can help facilitate a survivor's recovery from a traumatic abuse. Yet, between the trauma of the attack and the potential stigmatization that follows, women defenders who experience rape may decide not to publicly assert what happened to them.

Around the world, rape is used as a tool to punish activism and women's political engagement.

In many situations, even if documentation that includes details about sexual assault is handled in a sensitive way, the process of using it to seek accountability can re-traumatize the woman involved. In other words, although gender sensitive documentation can be foundational to formal criminal charges being made in a case, there are no guarantees that the "systems" that will use that documentation will be as sensitive.

Consider, for instance, discriminatory legal frameworks that require corroboration of the attack, or even witnesses, in order for cases to be accepted as legitimate by police or judicial systems—or the demeaning and irrelevant questioning about a survivor's sexual history in relation to an allegation of assault.



National Alliance of Women Human Rights Defenders' (NAWHRD), National Anti-Rape Campaign, Nepal (WOREC).

PHOTO COURTESY OF WOREC, NEPAL

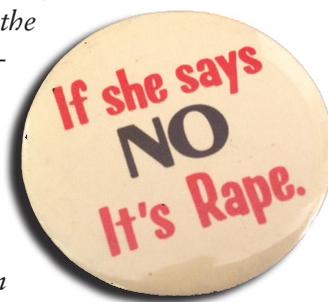
For LGBTI and other gender non-conforming defenders, and those who are HIV+ or living with AIDS, other factors may be at play in decision-making about documenting and reporting sexual assault. These include threats to confidentiality and privacy, fears of extortion and other abuses that can take place when the sexual orientation, gender identity or HIV status of a survivor is not public.²⁹

The sexual assault itself, compounded with

the biological, psychological and social consequences, sometimes temporarily or permanently limits defenders' willingness to engage publicly, and can have economic, political and health ramifications in day-to-day lives.

In documenting sexual abuse, particular care must be taken with the survivors of attacks. Those recording and the organizations they represent must have a sensitivity to the trauma survivors have experienced, the risks of exposure, and an understanding of how this kind of crime—along with the experiences in its aftermath—can work to silence defenders, or deter them from future advocacy.

And, of course, in other circumstances, those recording such violations can partner with survivors to support them as they move forward challenging perpetrators, seeking justice and continuing their defence of human rights.



²⁹ The factors are not limited to sexual assault cases.

3. VIOLATIONS TARGETING DEFENDERS' IDENTITIES

In recent years, there has been deeper attention within human rights and other social justice communities to the fact that and ways that abuses are perpetrated against defenders because of the identities they have, or are seen to have. This is particularly salient for women human rights defenders, many of whom are targeted simply for being women. *This is exacerbated, of course, by the fact that WHRDs carry other social identities simultaneously, including race, ethnicity, nationality, immigration status, or any number of other factors.* All of these are used to justify abuses, independently and also when taken together. This intersectionality is critically significant and should be addressed in documentation of abuses.

When perpetrators target someone's identity, they make a statement not only about the individual activist, but also about others who share that identity. So as an individual or specific group of defenders is targeted, the entire group of those who carry the identity of the victim/survivor is somehow punished.

Generally, violations that are identity-based are derived from ideas held by those with power about the lack of worth of—or the danger supposedly presented by—the group being targeted. Attacks on specific defenders because of their identities are used as a means of social control and a means to either eradicate the group, or deter its claims for rights.

For LGBTI and other gender non-conforming people, and defenders of sexual rights, there is often little distinction between the violence they experience because of their sexual orientation or gender identity or expression, and the violence inflicted on them because of their defense of rights related to those issues. *In other words, WHRDs are targeted for themselves being (or assumed to be) gender non-conforming as well as for defending rights related to gender and sexuality.* Documentation of these nuances is important: it can mean the difference between saying “a defender was targeted because she was defending LGBTI rights” or “a defender was targeted because she was seen to be a lesbian”—both can be simultaneously true, but they mean different things.

CASE STUDY

WHRDs are also targeted when they claim rights to an identity, as well. In March 2010, the Malaysian Assembly of Mosque Youths (MAMY) filed a court petition contesting the right of Sisters in Islam (SIS), a Malaysian organisation of Muslim women promoting women's rights within Islam, to use the term “Islam” in its name. The Malaysian High Court ruled in SIS' favour, allowing the women's NGO to keep its name, although MAMY threatened to appeal that decision. Sisters in Islam has been the target of various forms of harassment—including “frivolous suits and intimidation tactics” for many years.³⁰

CASE STUDY

In 2013, a group of Colombian WHRDs submitted a “shadow report” entitled “A Look at the Human Rights of Indigenous Women in Colombia” to the U.N. Committee on the Elimination of Discrimination Against Women (CEDAW).³¹ The shadow report made recommendations to the Colombian government about how to end intersectional discrimination and multilayered abuses against Indigenous women in that country.³²

The terms that defenders use to describe themselves, as well as the terms used by communities to describe them are very important. *Documenters and WHRDs should always assess whether violations may have occurred because of prejudices about identity, whether they are accurate or assumed.*

³⁰ For more information, see Women Living Under Muslim Laws at <http://www.wluml.org/node/6986>

³¹ Within the human rights regional and U.N. systems, a shadow report tends to be defined as report that co-exists alongside and “shadows” the government official report. Shadow reports may not have official status, but they often tell the story the government will not. NGOs use the process of creating and submitting shadow reports to treaty bodies and other bodies in order to make claims, hold perpetrators of abuses accountable and demand change.

³² The report can be found here: <http://www.forestpeoples.org/topics/un-human-rights-system/news/2013/10/colombian-indigenous-women-inform-committee-elimination-d>

4. NAMING THE PERPETRATORS: STATE AND NON-STATE/FAMILY, COMMUNITY AND OTHER “PRIVATE” ACTORS

In “traditional” human rights analysis, perpetrators of violations against women human rights defenders include people connected to the *State*, its bodies, agents, and those that have a clear relationship to governmental structures. These can include police, prison officials, members of the judiciary and other government authorities. State actors can violate rights directly and indirectly in efforts to criminalize and stifle political dissent and resistance. For example, they can arrest or detain people, create discriminatory laws and enact policies that close down non-governmental organizations (NGOs). WHRDs are targeted by a range of state actors in both the North and South. Yet for WHRDs, and for women, generally, it is often “non-State actors” (sometimes called “private actors”) who most often perpetrate abuses.

Non-State actors refer to a range of individuals, entities, and groups that are not agents of or employed by the State. *They include family and community members—people who are largely responsible for policing women, as well as gender and social norms around the world. Other non-State actors include religious groups, paramilitary organizations, corporations, media and others who may be working alongside and complicit*

CASE STUDY

In September 2014, Iraqi lawyer and well known women’s human rights defender Samira Saleh Al-Naimi was murdered by a group of armed men belonging to the group “Islamic State” (sometimes called ISIS) who shot and killed her in a public square. She had allegedly been kidnapped and tortured before the murder as a result of having criticized the group for violations they had committed. Samira had been “tried” in a Shari’a court for charges of apostasy, or committing actions seen as against the Muslim faith.³³

³³ <http://www.independent.co.uk/news/world/middle-east/isis-publicly-execute-leading-lawyer-and-human-rights-activist-in-iraq-9756197.html>

*with police or the government.*³⁴ The line between State and non-State actors is sometimes very blurry. But ultimately, the State can be held accountable for allowing abuses by private actors, especially in situations where patterns of abuse are replicated over time and when they go unpunished.

GUIDING QUESTIONS:

- Who objects to your work? Why?
- Do you personally know who committed the violation against you? If not, do you have any idea who the perpetrators could be?
- What relationship do you have with any of them?
- Does the government protect or ignore the people who enacted the abuse? Why?
- Is the government threatened by the people who enacted the abuse? Is there a political party or a paramilitary group you think might be involved?
- Are there patterns of abuses against women or human rights defenders (or women activists) perpetrated by groups outside the government?
- Does the government address violations that are enacted by people who are not considered “State” actors?
- Will it prosecute family violence or members of companies?
- Are religious authorities particularly powerful? Will the government challenge religious authorities?
- Do elections of politicians and political parties effect how activism is tolerated or punished? How?

Abuses by private actors include domestic and intimate partner violence, forced psychiatric incarceration,³⁵ sexual assault of WHRDs in particular ethnic or religious groups and community-imposed restrictions on women defenders’ freedom of movement or participation in public life, all of which are generally justified

³⁴ Non-State actors can also work toward the overthrow of governments, as well. They can be opposition groups, or members of informal networks. See, for instance, Jan Bauer and Anissa Helie, *Documenting Women’s Rights Violations by Non-State Actors: Activist Strategies from Muslim Communities*; Women Living Under Muslim Laws; 2006; <http://www.wluml.org/node/519>.

³⁵ This is of particular relevance for lesbians and transgender people, who face both incarceration and forced psychotropic drug use, often with collusion of family members and health authorities.

on the basis of manipulated ideas about “religion”, “culture” or “tradition”.

Corporations also enact policies that violate rights to employment, privacy, dignity and a host of other rights. While some of these are explicitly acknowledged forms of violence against women in the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), other international human rights instruments and their official interpretations, they are too seldom documented in accounts about women human rights defenders.

In fact, until fairly recently, mainstream human rights groups were reluctant to take on cases of certain non-State actor violations. They, along with governments, skirted responsibility and sometimes argued that abuses that take place in the private sphere should fall outside the responsibility of the State.

This presented a critical problem for WHRDs: if the abuses we faced that were intended to punish our activism were primarily perpetrated by non-State actors (and especially family and community members), and if even human rights groups wouldn't record these abuses properly, how could we adequately make these violations known, and how could we seek redress and justice?

Gender-sensitive and gender-responsive human rights documentation must address violations enacted by private and non-State actors, even when that information is hard to gather. And it is important to acknowledge that publishing accusations against non-State actors, and specifically naming them, can come with risks, as non-State actors often assume absolute impunity and can be hard to hold accountable. As with most other forms of documentation processes, undertaking risk assessments can help lessen chances of unforeseen negative consequences.

5. UNCOVERING PATTERNS OF VIOLATIONS AND ABUSE

Many violations against WHRDs are manifested in multiple, sustained attacks designed to silence individual, movement or coalition activism. Documenting political, social, and economic contexts often reveals that the abuses are rooted in systemic and institutionalised forms of gender (or other kinds of) discrimination that appear in patterns over periods of time in efforts to control and punish human rights claims.

CASE STUDY

The Feminist Majority Foundation, a women's rights organization in the United States, published a report in 2014 that found that abortion providers reported higher incidence of actions of intimidation and stalking in the U.S. than in previous years. The survey, whose data included information from 242 abortion providers across the country, found that nearly 70% of abortion providers said they experienced frequent harassment. Between 2010 and 2014, abortion clinics reported a 25% overall increase in threats and targeted intimidation tactics. These tactics included picketing homes of staff, creating and posting flyers with photos of doctors' faces that claimed “Killer Among Us”, and releasing doctors' personal information on the internet. Clinics in the U.S. have been targeted for vandalism and arson, and abortion providers have been subjected to violence and murder.³⁶



In September of 2015, two clinics that provide abortion services for women in the United States were targeted for arson.³⁷

The attacks happened within weeks of each other, in two different states. Weeks later, a man shot and killed three people at another site.

In a context of heightened religious fundamentalisms, activists sometimes note a backlash against claims for women's human rights that is manifested in specific targeting of WHRDs or women who operate in the public sphere.³⁸ For instance, when high profile WHRDs are

³⁶ “Threats and Targeted Intimidation Against Abortion Clinic Staff Have Significantly Increased Since 2010.” A. Vagianos, http://www.huffingtonpost.com/2015/02/09/threats-against-abortion-clinics-increased-2015_n_6581536.html

³⁷ “Fire at Planned Parenthood clinic near LA was arson, second attack in 6 weeks;” <http://www.rt.com/usa/317445-planned-parenthood-arson-california/>; “Fire At Washington State Planned Parenthood Clinic Deemed Arson;” <http://www.npr.org/sections/thetwo-way/2015/09/05/437829915/fire-at-washington-state-planned-parenthood-clinic-fire-deemed-arson>.

³⁸ While some consider these attacks to be a form of “backlash” against previous gains for women, others are less comfortable with this term and see attacks as part of a continuum of gender inequity but not specifically in response to specific advances in women's rights. Some people argue that there is “always backlash.”

assassinated in a particular country, these may *not be single incidents, but events in a series*. These are part of a wider continuum of violence against women—from beatings in the home to public sexual harassment—that *tells women it is dangerous to claim power*.

Gender discrimination manifested in structural forms of violence against women is also evident in the systemic use of rape as a weapon of war in the context of many military conflicts, including in the Democratic Republic of the Congo (DRC) and in Serbia/the former Yugoslavia. During years of antagonism between enemy groups, rape of women was used as a strategy in order to break down community and punish groups as well as individual women. Women human rights defenders who aided the victims of sexual violence also became the subject of attacks. These patterns made it difficult to engage in advocacy and service provision. Documentation of these trends of abuses allowed a more nuanced story to be told about the realities of the conflicts and what women and WHRDs actually experienced.

Tracing patterns of abuses and the political, social, and economic contexts in which they occur is one approach to prevention. This information helps advocates anticipate when or where abuses will occur, and

can contribute to strategic responses. *When documentation exposes patterns, there is greater likelihood of accountability for the human rights-related failures of individuals and states.*

GUIDING QUESTIONS

- In what ways, if any, have you been targeted because of your activism? By whom?
- Has this happened to you in the past (prior to this violation)? For what period of time? Are other WHRDs or defenders targeted this way? Is there a pattern over time?
- Do you know of other cases of violations experienced by your fellow defenders? What are the forms of violations they experience?
- Has your organisation been targeted because of your activism? By whom? How? Are other organisations targeted in similar ways? What kinds of organisations are targeted?
- What other problems are you facing as a result of the violation or abuse?
- Are your colleagues and family safe? Have they felt the need to take precautions because of known patterns of violations?



JUDY SEIDMAN AND AMP STUDIO. A PROJECT OF THE ONE IN NINE CAMPAIGN, SOUTH AFRICA

Illustration produced during an art advocacy project working with women activists from Marikana, South Africa, following the Marikana police massacre of miners in 2012.

Understanding and documenting the environment and context is part of a strategic response to violations.

Part 2: Context and Environment

“Context” and “environment” refer to the broader settings in which women human rights defenders live and work. Generally synonymous, they situate the advocacy of WHRDs. Documentation that takes into account contexts and environments allows a fuller understanding of whether space exists to engage in activism at all, or to do it safely. It also allows an understanding of risks and constraints WHRDs may face, the perpetrators potentially involved and the possibil-

Human rights abuses do not take place in a vacuum. Placing experiences of abuse within the social, political, economic and cultural contexts in which they occur helps us unpack what generates discrimination and attacks against WHRDs.

ity of responses to violations. Having an analysis of the environment in which WHRDs work is crucial to understanding why we so frequently experience threats and constraints.

An analysis of the context and environment can bring to the surface violations that are often subtle, systemic and institutionalised. Understanding the context also helps activists be strategic in choosing how to contest abuses, and informs our work upholding human rights for the general population.

Contexts and environments are not only defined by a range of economic, political, social and cultural factors, but they are also permeated by particular ideologies and cultural assumptions, such the ubiquitous and harmful notion of superiority of men over women. They are simultaneously global and local, which is particularly important because WHRDs’ advocacy often sits at the intersection of both.

Common to all WHRDs is the experience of defending human rights in the context of gender inequality and patriarchy. Living and working in societies that rely upon or excuse the subordination of women—which means most if not all societies—leads to WHRDs fac-

ing a range of obstacles that limit freedom to carry out activities in defence of our own rights and the rights of others. Gender discrimination is apparent not only in laws and policies but, more insidiously, in patriarchal or male-defined and articulated norms, codes, attitudes and practices that remain unchallenged in many communities. Analysis of context in WHRD documentation helps make the *causal connections between these factors in the environment and human rights abuses.*

Understanding the context can highlight why particular women human rights defenders are vulnerable to attack. This is important for mapping patterns of violations and developing effective and appropriate responses and early warning measures. Context can also highlight why particular types of violations are perpetrated, and by whom.

Developing a broader contextual analysis in documentation may surface otherwise unexplored motivation behind attacks, and may help expose perpetrators’ relationship to the government or other authorities.

Particular contexts may give rise to violations by different kinds of actors. And sometimes it is not just one actor, or kind of actor, that is responsible. Good documentation will highlight the simultaneous roles of multiple actors who may be involved in a particular situation. For example, in conflict situations, the distinction between State and non-State perpetrators is often blurred as State agents, such as the armed forces or police, act in complicity with non-State actors such as paramilitaries. Under climates of religious extremism, non-State actors—including members of the community—may act alone or in complicity with the State to silence women who speak out against dominant discriminatory social and cultural norms.

Examining context allows for an assessment of risk and the possibility of developing better and more *strategic advocacy and responses* to violations. Depending on the context in which the violation has taken place, not all responses and remedies may be possible. For example, in internal conflict situations that are accompanied by widespread impunity and a breakdown in the legal system, seeking formal legal redress may not be a viable option.

Local advocacy can be affected by global political contexts. For example, many women's rights organizations that focus domestically are challenged by their governments for accepting grants and monetary donations from outside their own States. Many governments are enacting "foreign agent" funding restrictions to stifle civil society organizing.

Exploring the environment in which WHRDs operate exposes power relationships, and identifies common roots of oppression for different groups; this may, in turn, assist in deeper collaborative strategizing. Consideration of context will also help advocates determine what to demand from government and external actors, and when it could be more effective to advocate internationally prior to campaigning nationally.

Contexts of particular concern to women human rights defenders globally

Just as human rights concerns do not exist in silos, neither does gender inequality. In fact, it is deeply intertwined with other social, political and economic factors. Taken together, these create the climates that allow or punish activism. They also present unique challenges for WHRDs and for documenting our experiences. The Women's Human Rights Defender International Coalition has elaborated elsewhere on a few central issues that help to inform safety and risk, and accountability or impunity.³⁹ *Good documentation ought to take these (and their interlinkages) into account at every relevant stage:*

1. Patriarchy and heteronormativity
2. Fundamentalisms
3. Militarism and conflict
4. Globalisation and neo-liberal policy, and
5. Crises of democracy and governance.

1. PATRIARCHY AND HETERONORMATIVITY

Patriarchy refers to the socially constructed privileging of male power in all forms of social relations. Limitations of women's autonomy over their bodies

³⁹ Adapted from the Women Human Rights Defenders International Coalition's Global Report on the Situation of Women Human Rights Defenders, available at <http://www.defendingwomen-defendingrights.org/our-work/resources/>

and their environment, the sexual division of labour, and the gendered separation of public and private spheres can all be understood as different manifestations of patriarchal power. Patriarchal principles and practices are aimed at the preservation of male power (which is often connected to the State), and are reflected in the formation of social and political structures and institutions, and public discourses. The creation and persistence of structural inequalities that perpetuate gender subordination have significant impact on WHRDs, including in our ability to defend human rights and in the gender-specific violations targeted at us.

Heteronormativity is the privileging of heterosexuality, along with its accompanying assumptions of normative gender roles, identities and sexualities for men and women.⁴⁰ It is foundationally linked to patriarchy and gender inequality. Heteronormative ideas "normalise" reproductive sex and heterosexual relationships, and place value in traditional notions of a monolithic nuclear family, where women's value is seen to rest only in being "good mothers" and "loving wives." Consequently, these ideas marginalise or otherwise mark as "abnormal" non-normative sexualities, identities and gender roles. Too often, women's activism falls outside expected social roles and is seen as "abnormal" behavior undertaken by "inappropriately transgressive" women.

Activism that addresses women's rights to assert control over their bodies, and decision-making about



State, quasi-state and family/community members may have simultaneous and reinforcing interests in ensuring WHRDs cannot engage in their activism.

In these complicated situations, good gender-sensitive recording of events is critically important.

⁴⁰ See footnote 2.

family, marriage and reproduction is often cruelly punished. Defenders of sexual rights, and lesbian, gay, bisexual, and transgender rights (and particularly those who are from those groups themselves) tend to face severe threats because of their advocacy and their identities, both of which challenge “traditional” views of sexuality and gender.⁴¹ Both, too, are used as “tools” by governments as they advocate specific agendas, whether those are conservative or more progressive. States can use ideas about reproductive rights, sexual rights and about sexual orientation and gender identity to assert their national “purity”, or their dominance on the global stage. All of these have implications for activists and consequently for documentation.

GUIDING QUESTIONS:

- Why do you think you were subjected to abuses?
 - Do you live under strict social “codes” in terms of gender?
 - Are there strict roles for men and women, and are there strict rules that regulate people’s appearance?
 - Do you think you were targeted for violations because you defy these gender norms?
 - Does your appearance sometimes attract threatening attention? How?
 - Does your organization (or network or coalition) attract great scrutiny because it challenges sexism?
 - Does your advocacy include or focus on sexual and reproductive rights issues? Is your activism grounded in issues that threaten some people’s perceptions of family, morality and gender?
 - Do you advocate on behalf of sex workers, or gender non-conforming people?
 - Have you felt discriminated against because of your sexual orientation or gender identity?
-

⁴¹ See, among other resources, “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: A report of the U.N. Office of the High Commissioner for Human Rights”; A/HRC/19/41, paras. 30, 63, 64 and A/HRC/29/23, esp. para 63; *Violence based on perceived or real sexual orientation and gender identity in Africa*; African Men for Sexual Health and Rights and the Coalition for African Lesbians; 2013; The InterAmerican Commission on Human Rights’ information on rights of LGBTI people, overview available at <http://www.oas.org/en/iachr/lgtbi/>.

2. CONTEXTS CHARACTERISED BY FUNDAMENTALIST AND OTHER DISCOURSES

“Fundamentalisms” refers to the strategic use of monolithic and essentialized cultural, religious, ethnic or nationalist discourses for the purpose of securing power over communities. Fundamentalisms are generally grounded in a quest for political or economic power. Fundamentalist ideologies grounded in religion seek to simplify and homogenise concepts of religion, nationhood or culture to project them as “pure”, “authentic” or as otherwise static entities with fixed meanings. Economic systems are sometimes named as fundamentalist, as well.⁴² All of these are often linked to create environments affecting WHRDs and our activism.⁴³ These views and agendas seek to exclude, castigate or violently punish people and views that fail to conform to rigid notions of what is deemed “acceptable” by those with power. State and non-State actors can carry fundamentalist agendas.

Control over the identities, bodies and sexualities of women has been a key feature of religious fundamentalist movements. Working in contexts of fundamentalisms poses particular and serious risks for WHRDs, because women activists defy the roles prescribed for them by fundamentalist ideologies, and because they frequently challenge the social, cultural and religious norms and ideologies of fundamentalist discourses.

3. MILITARISED CONTEXTS AND SITUATIONS OF CONFLICT

*Militarisation is the “...process whereby military values, institutions and patterns of behaviour have an increasingly dominant influence over society. Militarisation often precedes conflict, almost always accompanies it and can remain a part of its legacy.”*⁴⁴ Situations of conflict are often accompanied by a breakdown of law enforcement mechanisms and by the inability or unwillingness of governments to address violations committed by State agents and institutions, such as the police or military.

⁴² Economic policies can create conditions for other forms of fundamentalist ideology, especially when those policies create severe economic disparity and limited economic opportunity.

⁴³ The term generally implies that a system has been reduced to its “fundamental” parts. Politically, socially and economically, the term is now generally understood to describe extremist views.

⁴⁴ *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*; p. 25; see footnote 1.

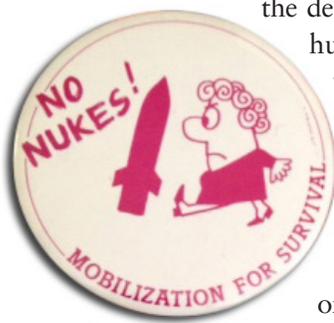
There's been an increase in military spending and a rise in femicides. It should be the other way around in theory—more spending, more security. But 'citizen security' throughout Central America has meant more death for women.

Suyapa Martinez, CEM-H, Honduras⁴⁵

A defining feature of a militarised context is the prevalence and justification of the use of force or violence in everyday life, which results in increased violations against women in both the public and private spheres. Additionally, the privileging of aggressive and violent masculinities creates an environment that encourages and allows violence against women, people in minority groups, and others in an effort to maintain existing social, political and gender hierarchies.

The financial implications of militarisation can be significant; profit can drive sectors of the economy that affect activism, crackdowns on dissent and policing, generally. Militarisation can rest on significant production and sales of defense systems, including guns and security technology. In many countries, the prison industry is another visible example of a militarized economy.

All human rights defenders are made vulnerable in situations of militarisation and conflict because of the demands they make in addressing human rights and humanitarian violations, and in exposing the responsibility of State agents or other actors. However, given the differential effects of these issues on women in general, including increases in prevalence of guns in homes and increases in domestic violence, women human rights defenders experience distinct challenges and violations when working in militarised environments.



⁴⁵ See <http://www.justassociates.org/en/mesoamerica-solidarity-action-women-defenders> and the website of the Meso-American Women Human Rights Defenders Initiative, at <http://justassociates.org/sites/justassociates.org/files/women-human-rights-defenders-brochure.pdf>

GUIDING QUESTIONS:

- Does your advocacy take place in a context of armed struggle or war?
- Are there government crackdowns on NGO advocacy because of military conflict?
- Is there an armed resistance movement?
- Are you at risk because of increases in military presence or the presence of small arms / guns? Are there weapons in your home?
- Do many people in your community have guns?
- Does your government earn significant income from arms trade or purchase arms for domestic or international military engagement?
- Are you seen as a threat to State power in a context of conflict or war?
- What are the gender implications of the answers to these questions?

4. CONTEXTS OF GLOBALIZATION AND NEO-LIBERALISM.

While globalisation and neo-liberal policies can mean a number of things, including, most simply, the promotion of ideologies and the sale of goods across borders, the terms also often have specific economic implications that can affect advocacy. When taken together, they generally imply an economic system that is driven by profit from a global economy, the notions of “free trade” and “open markets”, “free flow of capital”, promotion of economic growth, privatization of public services and the seeking of cheap labour.

All of these factors affect the people who live in the shadow of their negative consequences, many of which have gendered implications. When defenders challenge these policies, they can be subjected to abuses from State and private actors (such as corporations).

Some argue that those enforcing neo-liberal ideology have not taken into account structural inequalities such as sexism and racism and that these make the negative consequences of related policies particularly bad for women, people who experience race-based oppression and poor people. But in addition to the lack of understanding of how globalization and neo-liberal approaches affect different groups of people, many argue that there is not enough recognition of the abuses the policies elicit generally.

Women human rights defenders have played an important role in human rights struggles that address

critical issues arising from or accompanying the spread of globalisation and neo-liberal policy. WHRDs working in movements related to Indigenous Peoples' rights, abuses of corporations in extractive industries, land ownership, labour rights, and various economic, social and cultural rights have therefore faced significant challenges because of their advocacy. In addition, WHRDs have also struggled when corporate actors have sought to regulate gender and social norms for their own benefit or the benefit of the economic system. Human rights documentation of abuses by corporations can lay groundwork for legal and other challenges by WHRDs.

CASE STUDY

Máxima Acuña Atalaya is a Peruvian woman human rights defender from a rural community in a region that has been of interest to mining companies because it is rich in minerals and ore deposits. A large mine in that area has been threatening the water supply of nearby communities. The company that owns the mine has tried to evict Maxima and her family, including in one incident in which she and her daughter were beaten unconscious. She is challenging the company by bringing lawsuits, yet the company continues to attempt eviction.⁴⁶

CASE STUDY

Mothers Work Inc., a company in the United States, agreed to pay \$375,000 in 2007 to settle a lawsuit that alleged that its subsidiary company Motherhood Maternity refused to hire qualified applicants for employment because they were pregnant. One employee noticed a pattern of discrimination and complained, after which she was fired. Her supervisor erroneously believed that she was pregnant. In another lawsuit against the parent company, a complainant alleged that there was a policy to replace pregnant managers.⁴⁷

⁴⁶ <http://lammp.org/wp-content/uploads/2014/11/PressRelease.pdf>

⁴⁷ <http://www.eeoc.gov/eeoc/newsroom/release/1-8-07.cfm> and <http://www.seacoastonline.com/article/20030627/News/306279958>

GUIDING QUESTIONS:

- Are defenders in certain movements at particular risk because they challenge a dominant economic and political system?
- What kinds of rights advocacy is positioned as a threat to the State or the economy, or to a particular corporation?
- Do certain industries or corporations and their staff oppose your activism?
- Does your government work in close partnership with companies that allow violations of rights?
- How is gender connected to these ideas?

5. CONTEXTS CHARACTERISED BY CRISES OF DEMOCRACY AND GOVERNANCE

Contexts where democracy and governance are weak, ineffective or otherwise under threat affect the State's ability to guarantee protection of human rights, including the rights of defenders. In environments characterised by crises in governance or serious disruptions to "law and order", impunity for human rights violations because of the State's inability or unwillingness to prosecute State agents (such as police or military officers) or non-State actors can place women human rights defenders at increased risk.

All human rights defenders are made vulnerable when attempting to promote human rights under authoritarian regimes. Repression of freedom of expression, assembly and association—rights essential for all human rights defenders—may shut down the space in which WHRDs operate. Security, counter-terrorism or other emergency measures including legislation are often used against WHRDs either for the purpose of criminalising their legitimate human rights activities, or to suppress the daily operations of their organisations. In these situations, States and governments may be incapable of implementing protection measures for human rights defenders. Or, of course, they may simply be unwilling to provide protections because they benefit from not doing so.

GUIDING QUESTIONS:

- Do you live or work in a context of an authoritarian State?
- Were State security or anti-terrorism measures used to punish your activism?
- Is there a functioning constitution and are there laws and policies with systems to enact them?
- Was your organization threatened with closure through use of restrictions against non-governmental organizations? Are particular kinds of groups threatened this way?
- Was your women's rights or related advocacy positioned as a threat to the State?
- Are certain NGOs targeted because of the gender related work they do?

Challenging and transforming the environments in which WHRDs engage in activism are critical steps towards creating an enabling environment for advocacy and security.

In order to create change, documentation projects must look beyond capturing only specific violations and stretch also to address gender norms and social, political and economic contexts and environments.

There are simple questions at the core: What forces—whether they are global, regional, national or local—are at play? Who benefits from keeping these forces in power? What does this mean for advocacy? And what do these say about gender norms as they exist, or the potential to change them?

Impact of context and environment on documentation projects

The contexts and environments noted above (as well as others) affect activism directly but they can also have direct impact on documentation projects and processes. They can influence:

- **The kinds of documentation someone can undertake and the methodology of creating it.** For example, in militarised contexts, the security risks may preclude the documenter from gathering information at the exact location of the attack; consequently, information must be sought from other

channels or through people who may not have been direct witnesses.

- **The purposes for which documentation is undertaken.** For example, in some contexts, creating documentation of the violations of women human rights defenders may be aimed less at gaining individual redress for the victim and more at challenging the context and environment by fostering public awareness about and scrutiny of the violations.
- **What can be done with the documentation.** For example, in contexts of widespread impunity and a breakdown of the legal system, it may be difficult to bring a legal case for remedy; other options such as media campaigning may be more fruitful.

Identifying important elements of the context and environment for documentation

As outlined above, examining context means assessing the environment for the defence of human rights in general, as well as for women defenders and advocacy for women's rights or sexual rights in particular. This section presents key questions aimed at surfacing elements of the context that may pose particular challenges. The questions that follow encourage thinking—by activists and by documenters, when they are not the WHRDs themselves—about the limitations on the space for WHRDs' dissent and the barriers to activism. Note also that the purpose for documenting WHRDs' experience may also inform the choice of questions.



Woman in Baltimore burns sage in response to racist police violence, Baltimore, USA, 2015.

J. GRUBER, ASSOCIATED PRESS; COURTESY OF SHAMEEKA DREAM

The following six areas are also foundational to good documentation:

1. MACRO CONTEXT

Contexts such as fundamentalisms, militarism and crisis of democracy are subsumed within global contexts of patriarchy and heteronormativity to create particular challenges for women human rights defenders and to facilitate violations of their rights. The following questions can prompt consideration of these and other overarching contexts; these can be directed to WHRDs specifically, or to others who are documenting WHRDs' experiences.

GUIDING QUESTIONS:

- Is there an overall context of conflict/militarism, fundamentalisms, crisis in democracy, or globalization that affects your activism?
- How have these affected laws and policies and the justice system for women?
- How has each impacted the social attitudes and values towards women human rights defenders?
- How have these social attitudes and values affected space for WHRDs and advocacy?
- How does each heighten the risks to women human rights defenders, or to you specifically?
- Who has a vested interest in silencing you or other women human rights defenders as a result of the particular environment?
- Are other women human rights defenders in your community or locality also experiencing threats and attacks? Are similar organizations also being targeted?⁴⁸

2. LAWS AND POLICIES

States have a responsibility to create and support an environment conducive to the defence of rights.⁴⁹ This, of course, implies that WHRDs must be able to engage in our advocacy overall, and on particular issues, as

well. *In other words, WHRDs must be able to address rights of women, rights related to reproduction and sexuality and other concerns often seen as “gendered”, just as we must be able to work against arbitrary arrest or torture.*

The legal and policy framework of a country is a key mechanism through which States are meant to fulfil this obligation. The laws and policies of a country are therefore primary tools for illuminating the way the State addresses or reinforces inequalities, and its tolerance or intolerance of dissent—especially with regard to contested rights. It is also important to examine the institutions and structures (such as the police, judiciary, and government administrative departments) that support the implementation of laws and policies. It is therefore vital to document the legal and policy framework (e.g. lack of laws to address the violations) as well as structural factors which allowed the violations to take place (e.g. lack of police response or ineffective justice system).

GUIDING QUESTIONS:

- Is there an absence of laws in any areas that affect the ability of WHRDs to defend human rights?
- Is there anti-discrimination legislation at national or local levels?
- Are there laws which proactively restrict the ability of human rights defenders generally and WHRDs specifically to do their work?
- Are laws and policies protecting the rights of WHRDs adequately implemented? For example, do law enforcement agencies investigate and prosecute allegations of violations against women human rights defenders?
- Are there laws or policies that directly or indirectly discriminate against women or against lesbian, gay, bisexual, and transgender people, or are there laws or policies that regulate expression of gender?⁵⁰

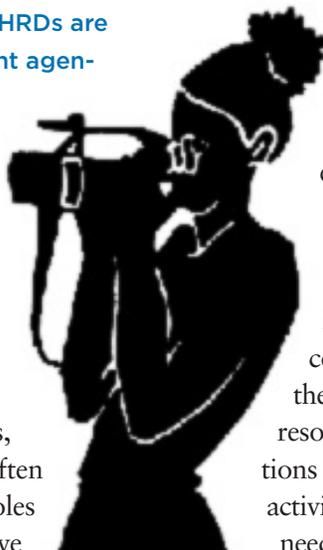
⁴⁸ These questions are particularly useful in helping determine whether there is a pattern of abuse.

⁴⁹ U.N. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders) Article 2 [1] ‘Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, political and other fields, as well as the legal guarantees

required’ to ensure that everyone under its jurisdiction can promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. See more at: <http://www.ishr.ch/news/un-declaration-human-rights-defenders#sthash.hqyHrJT4.dpuf>.

⁵⁰ In some countries, there are legal bans on “cross-dressing,” for instance. Also, “anti-gay” laws generally do not use that terminology, but may make expressions of homosexuality or certain sexual behavior between people of the same sex illegal.

- Do you think that violations against WHRDs are taken less seriously by law enforcement agencies or the courts than those against male colleagues?



cases it will be critical to dig deeper to understand how the particular context facilitates the rise or power of different actors and the interplay between them in enacting abuses.

In some situations, it may be necessary to examine forces not just at the local and national level, but also at the regional and international level. For example, in the context of globalisation and resistance to the appropriation or exploitation of natural resources, the role of multi-national corporations in funding and condoning attacks against activists, including through paramilitary forces, needs to be examined.

3. SOCIAL AND CULTURAL ATTITUDES

Social and cultural norms and attitudes relating to women and gender roles play a key role in undermining WHRDs' ability to defend rights. WHRDs are often perceived as a destabilising force in families, communities and societies because we often defy what we are told are "appropriate" roles for women, and because the very rights we support sometimes challenge discriminatory social norms. We challenge social and cultural attitudes in both the global North and South that often reinforce the message that women should remain silent, and should not participate in public life or engage in advocacy. These are created and enforced by both State and non-State actors.

GUIDING QUESTIONS:

- How do social and cultural norms that discriminate against women impose barriers and risks on women human rights defenders?
- Does the State foster attitudes that are discriminatory in terms of gender? (i.e., does the government promote policies or ideas that women's most valued roles are within the family and connected to reproduction and parenting?)
- Has the State taken initiatives to proactively counter social attitudes that foster violence and discrimination against women? Will the government challenge these attitudes in the media or in schools?
- Are you supported by your family and community in the work you do?
- Do you think that your human rights work is acknowledged and appropriately supported by other human rights activists?

4. UNDERSTANDING THE ROLES OF DIFFERENT ACTORS

Sometimes, determining the perpetrator of a violation will be straightforward. However in many

GUIDING QUESTIONS:

- Who generates discriminatory ideas and discourse against women and against women human rights defenders in particular?
- Who has the power to create social norms?
- Are government or State agents directly involved in the abuses? Family or community members?
- Do government or religious authorities have an investment in ensuring these abuses continue?
- Will media report on the violations?
- What relationship, if any, do you have with any of the actors responsible?
- What do you think their motivation for the violation was? For what outcome?
- Who could they be acting in collusion with? Does more than one kind of "entity" benefit from the abuses?
- Will the State care if it is exposed in international arenas for not investigating or prosecuting perpetrators?

5. ECONOMIC INDEPENDENCE

A woman's capacity to claim and defend rights, including her own, may be impacted by her socio-economic conditions. In most situations, women's activism is unpaid, meaning that WHRDs must earn wages in other work to support ourselves and our families. And in both the global South and North, women are too frequently economically dependent on men, whether they are husbands, fathers or other male family or community members. When WHRDs are

in this position, and if our activism is condemned, we may have less decision-making autonomy about our defense of rights.

GUIDING QUESTIONS:

- Do you or could you have means to economic independence (i.e. not relying on others for mobility or choices)?
 - How does limited access to economic resources affect your ability to defend rights, including in securing your own protection?
 - Does limited access to economic resources affect your ability to access justice mechanisms, including legal representation?
 - Do you have sufficient resources (ie. salary or other income, or access to other social security systems including pensions) to continue your work?
 - Do you have the means to support yourself if you take time off from your advocacy?
 - Do you have access to medical care or health insurance if you are injured as a result of your activism?
-

6. GEOGRAPHY:

Women human rights defenders often work in isolated or remote locations. WHRDs also work within our homes. Both of these situations can place us at significant risk with little possibility of assistance should it be immediately needed. Documentation should surface the impact of defenders' locations on activism as well as possible responses to violations.

GUIDING QUESTIONS:

- Was your location (i.e. remoteness, urban vs. rural, or in a private home) a factor in the violation you experienced or in the response you received?
 - If you were at home when the violation occurred, did police respond adequately, if at all?
 - Is domestic or intimate partner violence taken seriously at the national or local levels? Do human rights organizations take gender based and domestic violence seriously in their defence of defenders?
 - Have you been attacked whilst travelling in the course of your human rights work?
 - Does your organization have a security plan for when you travel?
-



Pro-women's rights graffiti in Cairo by human rights defender and graffiti artist Mira Shihadeh. "Don't treat me according to my appearance only; treat me like a human being".

Documenting with limited time and resource constraints

A full analysis of the context in which violations occur is desirable, but the depth and breadth of any analysis will clearly depend upon the resources an activist has available (such as finances, expertise and alliances) and the urgency of need in any particular case. Women human rights defenders make thoughtful choices about prioritizing our strategic focus and subsequent advocacy, given our often limited time and resources.

Where possible, relevant contextual information can be sought from existing material, such as analyses that have been produced by ally activist organizations, sympathetic government agencies or NGO “shadow reports” that have been submitted to various United Nations human rights bodies.

Activists may also choose to gather information and analysis of the context over time, particularly in the case of patterns of abuses that may require more extensive research.

Working in collaboration with other groups or human rights defenders often provides valuable support and draws from complementary resources.

Collective documentation processes also allow creative responses with shared ownership of the “product”. This, in turn, opens doors for documentation to be developed for specific purposes and used strategically in many different ways simultaneously, or over time.

Document the context and the environment!

The previous chapter section has analysed the value and necessity of documenting the conditions that surround violations against WHRDs. In short, this is why documenting the context and environment is critical to understanding the experiences and activism of women human rights defenders:

- Context can facilitate violations taking place or being challenged
- Violations can be context specific
- Context affects advocacy
- Context can determine who the perpetrator/actors are
- Examining context can reveal patterns in violations
- Examining context can assist in developing strategic responses and preventive measures.
- Coalitions can be built to better challenge repressive environments.

CHAPTER 4

How to Document

Documenting human rights violations experienced by WHRDs is an extremely sensitive area of our work, and one that must be conducted with the greatest care and with the full consent and preparation of those who are experiencing, bearing witness to or otherwise exposing violations. Creating and ensuring the availability of documentation can play a critical role in holding perpetrators accountable and in bringing them to justice through formal and informal means. Documentation can also be central to bringing about changes in laws, policies and administrative systems that allow violations to occur. And it can help guide activist prioritization, garner resources and be a tool for coalition building. But in both scenarios—in recording abuses or resistance—it will be most effective and most ethical when certain standards are met.

Ideally, a core commitment to progressive social change and the social transformation that brings an end to discrimination and violations against WHRDs will always guide processes of documentation, no matter what its content.

Different kinds of people document human rights violations: women human rights defenders tell our own stories, and in many circumstances people who are not themselves WHRDs record and document our experiences for political purposes. Sometimes people create a firsthand and first person account about violations that they have experienced. In many situations, though, those that are creating documentation are not the people who are the actual subjects of harms.

While there is no single best way to create documentation, and no single best use of documentation, it is important for activists always to remember to obtain basic facts and to ensure accuracy. “Getting the details right” is critical for creating an accurate record and a useful tool for advocacy. Equally critical is carrying out the documentation process in a way that respects and empowers the defenders involved and that ensures their safety and security.

There are a few key questions underpinning the project of documenting WHRDs:

- What makes documenting WHRDs as activists and defenders of rights different from documenting violations against other defenders?⁵¹
- How is this different from documenting the violations against people who are not activists or defenders?
- Is the analysis of abuses different when the “subjects” of documentation are defenders? If yes, how?
- Are the risks different when the documentation is made public?
- What does this mean for the process as well as the content of documentation?

⁵¹ Most existing documentation tools are framed around a norm of experiences of male human rights defenders and consequently fail to take into account unique experiences of WHRDs. See Chapters 1 and 2 for fuller description of gender “norms” in documentation.

The following analysis is based on two basic assertions of the Women Human Rights Defender International Coalition:

- We, as WHRDs, must document our own lives, because our stories of both activism and abuses matter, and
- Documenters who are more “external” must do their work with deeper gender analysis and greater sensitivity to WHRDs’ particular experiences.

This chapter provides a short practical, ethical and gender-sensitive tool for undertaking documentation of women defenders and those defending rights related to gender and sexuality. It is intended to guide work of those who already document and also those who wish to begin documenting abuses targeted at WHRDs. In addition, it assumes that those documenting may be WHRDs, or may be human rights defenders, or may not be defenders at all, but people more “external” to human rights advocacy.⁵²

A feminist approach to documentation

Throughout the process of documentation, we must remain conscious that WHRDs are immersed in a global culture of silence that discourages or sanctions speaking out about abuses and violations. This is particularly true in cases where violence is sexual in nature because of the fear that disclosure may lead to embarrassment, humiliation or more violations. Yet, documentation processes can also be empowering for WHRDs as they make decisions to expose the harms they have experienced and demand accountability. *The shift from “silence to voice” can be a life affirming, healing and political action.*

A feminist approach to documentation rests on these notions—and also on the ideas that the process itself should be participatory, sensitive and safe. At all times,

⁵² This chapter is written to guide both women human rights defenders and also more “external” documenters. While it assumes both audiences, it is presented here with a bit more focus on guidance for those who are more external, and less for those who have not suffered the violations under discussion. In doing so, it maintains the “voice” of the original chapter drafters.

WHRDs and others engaged in documentation should be guided by principles and values of a feminist methodology of documentation for action, which calls for working from within a framework of ethics of care, responsibility and accountability.⁵³ Among the key concerns are:

- The relationship between the documenters and the WHRDs must be one of mutual respect at all times.
- The needs and interests of the victims / survivors must be prioritized at all times.
- Any documentation process should focus on the well-being, agency, empowerment, self-determination, and dignity of WHRDs.
- The aims and objectives of the documentation must be clear to all concerned, whether the information is being gathered for purposes of contributing to historical record, for litigation or advocacy, or for changing social attitudes.
- The confidentiality and security of the “informants” and “subjects” of the documentation is often a matter of life and death; those who document should be fully cognizant of the ways the identity and circumstances of those involved must always be respected and protected. This calls for extensive conversations and discussions not only with the WHRDs, but with members of defenders’ families and communities if they are supportive. Where family and community members pose a risk, other people should be engaged to provide support.⁵⁴ Allies in activist organizations and movements are among those who could be approached.
- Documenters should be able to protect the information they collect and should be skilled in methods of ensuring its safety and security. This is important for all stages of the documentation process, including in those before the documentation is released as a “final product”. Databases and the transmission of information about WHRDs should be secure, and copies of materials should be made if they are to be sent anywhere or given to others.⁵⁵

⁵³ See, among other resources, the writing of Margo Okazawa-Rey (whose analysis guided much of this chapter), *Activist Scholarship: Social Movements and Emancipatory Knowledge* (2009). Co-editor J. Sudbury. Boulder, CO: Paradigm.

⁵⁴ In some situations, it is family and immediate community members who may have perpetrated the abuses being documented. If family members pose risk, documenters must undertake additional assessments about security.

⁵⁵ See Chapter 6 on Digital Security and the related Annex for more on the safer use of new technologies.

- Documenters must ensure processes take place as much as possible with the full consent of the women human rights defenders who are the victims / survivors of the violations. Consent, which ideally should be in written form, should be secured for any written or visual material going into the public arena. Defenders should be informed, and, when possible, engaged in decision making about the timing of when these materials are made public.
- A dispute resolution process should be agreed upon at the very outset of the process of documentation to ensure a system is in place in case of conflict.

Preparing to document and assessing risk

The preparation prior to beginning a documentation process is a critically important. It is at this stage where the scope, objectives and uses of documentation are defined in collaboration with the WHRDs concerned

and steps are taken to ensure the confidentiality and security of all involved.

At an early stage, a “risk assessment” should be undertaken, which, in essence, is a strategic discussion about the risks to the defenders whose experiences are being documented as well as risks to those doing the documentation, if they are not the defenders themselves. Questions that are particularly relevant here relate to the safety of everyone involved at all stages of the process. The process should also include conversations that imagine different outcomes when the documentation is released.

How do we decide when and what to document

In certain situations, WHRDs may decide to record our own activism for any number of strategic purposes, including creating a legacy of social justice advocacy. Some activists assert that there should be much more work in this area and that WHRDs should focus as

On risk:

A risk assessment can and should happen, as necessary, at different stages in the process.

- Where and how is it safest for WHRDs to tell their stories? Are there physical or electronic risks that must be considered?
- Is there sufficient support available for the people who are at risk? Will that support be available through and after the documentation process?
- Once exposed, will perpetrators of the violations be immediately threatened, and will they try to retaliate? How?
- Is the government implicated?
- How will the government respond once the story is made public?
- Will the media highlight the story, and if yes, what gains or risks may appear as a result?
- Will family or community members provide support, or will they enact additional abuses?
- Will WHRDs be at heightened risk, or will their families or colleagues?
- Will other defenders provide a sense of community and protection? Or will they fear exposure?
- Will WHRDs be pressured to suppress the information about the abuses, or to drop their cases, if there is a legal action as a result? If yes, by whom?
- What will it cost financially to engage in a proper documentation process?
- Are there risks to the defenders’ organizations, such as closure, freezing of funds, office vandalism, police raids and confiscation of office files and computers?
- Will those who fund the organization support the documentation process, financially and otherwise? Will they oppose the process? Alternatively, are they *requiring* a documentation process?
- Will they require use of specific human rights documentation systems, and if yes, what are the implications, advantages and disadvantages of those?
- Who else is at risk if documentation gets into the wrong hands, or if defenders’ files and materials are taken?
- What is the specific plan of action if any of the risks noted above become real?
- What is the protection plan if risks to physical security are potentially imminent?

much as possible on capturing our own campaigning, organizing and even our decision making processes.

Generally, it is abuses, though, that motivate “traditional” human rights documentation. A decision to obtain documentation about a specific violation or a range of violations of rights of women human rights defenders will most often be taken by an organisation working on social justice, women’s human rights or general human rights issues, in a context in which any or all of the below are possible:

- The violation is severe enough to consider recording details
- The violation is one of a series that reveals a pattern or systematic violations
- The violation is seen as significant in terms of an already established campaign or set of concerns regarding that specific type of abuse

Of course, there is a difference between whether defenders are initiating their own documentation process, and whether the process is initiated and undertaken by the WHRD’s organization, another human

rights or social justice group, or a completely external person or group. The analysis below emphasizes documentation processes that are undertaken by people who are somehow “external” to the person at the core of “the story”. However, all the principles below can be easily modified according to who is engaging in the various processes.

In certain circumstances, the affected women human rights defenders initiate the call for documentation. Sometimes the interest is expressed from other groups working with those WHRDs. In some cases, the first information that leads to a documentation process may come from a media report. Where the main documenters will be people other than the WHRDs, *the decision to begin to document should be taken in consultation with them.*

Such a decision also should be taken after due consideration of the organisations already working in this area or sector and in consultation with them. Whenever possible, proper attention should be paid to the process of preparation for documentation, including establish-

Documenting our activism

Women human rights defenders too infrequently make decisions to document our own advocacy efforts. Generally, WHRDs are focused on documenting harms rather than recording our own good work. Or we may feel resources are better spent documenting something that seems more “external.” But there are many reasons to capture our own projects. Some critical reasons are to affirm our own “agency” and our own vision, and to create a truth for other people that we are agents of change and not just victims of violations. It can be beneficial to be the people crafting the stories that are told about us; we can create the “voice” and have control over the story being told, and we can focus on our own work in ways that affirm its value.

These are some of the things that WHRDs take into account when we make these decisions:

- What makes a specific activist undertaking potentially exciting or useful?
- What’s the purpose of recording that project over time, and is this best tracked over a shorter or longer duration?

- Is there a political outcome for this kind of project?
- Is there a legacy the documentation is trying to create or protect? Is that of an organization? A coalition? An individual activist? A particular campaign?
- Will you deplete your resources in this kind of project, or create potential to garner more?
- Will WHRDs be trained in this process, and will they take away additional skills? Can the “documenting ourselves” project be empowering?
- What’s the best way to share information about what is happening—through oral histories, written stories with interviews, something that can be aired on radio or television or streamed over the internet?

Of course, challenges arise, as well. Some of these include:

- Who is entitled to tell the story being told?
- Who might be left out of the narrative?
- Who will “own” the product created and who will get to determine how it’s used?

ing links with the organisations working in the relevant sector and area. However, there may be situations in which the violation occurs in a context requiring urgent response, and documenting will have to happen without following all protocols with regard to preparation. In such cases, processes of consultation and consensus-building ought to take place retrospectively.

Determining the objective, use and intended “destination” of the documentation will shape the type of information that is gathered. This is especially true in cases where the information will most likely be generated for purposes of litigation within the formal justice system, or where its submission to various international human rights mechanisms is planned.⁵⁶

The documentation process should be reflective and sensitive of contexts and environments, including those that create immediate risks or that may directly affect WHRDs’ participation in sharing experiences.⁵⁷ For instance, documenters should consider whether the voice or behaviour of the WHRDs are immediately affected by others (such as armed soldiers, family members, or prison officials) in or near the space where the story is being told. If guards or certain family or community members are present, WHRDs may feel unsafe and unwilling to share information. The same holds true if cameras and voice recording equipment are present (beyond what the documenters are using). WHRDs may prefer not to be filmed or recorded electronically, or may request that their faces and voices are altered so as not to reveal their identities.

Once the decision to document has been taken

The aims and objectives of the documentation as well as the processes for its creation should be agreed upon and should include regular and systematic communication and information sharing between the affected women human rights defender(s), other affected groups and individuals, and the documenters.

There should be agreement on how the documentation will be used, and this should take into account the details from the risk assessment noted above. That

⁵⁶ In these cases, it will be important to ensure that the information collected includes detailed and forensic evidence that is acceptable in law, and in relation to duly legalized affidavits.

⁵⁷ See Chapter 3 for a fuller discussion of consideration of context and environment in documentation processes. See Ch. 5 for more information on using documentation for advocacy at international or regional levels.

CASE STUDY



Women’s Video Collective flyer (USA), 1983

There is a long legacy of WHRDs documenting our own projects.

In 1983, for instance, women in Boston (a U.S. city), formed the Women’s Video Collective (WVC) to document the Seneca Women’s Encampment for a Future of Peace & Justice, a long-term protest at a rural army base housing nuclear weapons. The Encampment highlighted the threat of an escalating arms race and the gendered social impacts of militarization. Over many months of actions in which thousands participated, the WVC documented both the evolution of a large women-built communal living and protest-planning space on nearby farmland, and the group’s ongoing acts of resistance to government and military policy. The Collective produced videotapes of the Encampment for broadcast around the world, and later took a documentation team to the U.N. Beijing Fourth World Conference on Women

CASE STUDY

Documenting Dissent is a project based in Lancaster, England that documents the “heritage of dissent” in that city; there is also a focus on women’s activism that highlights individual women activists who fought for women’s right to vote in the early 1900s. See http://www.documentingdissent.org.uk/?page_id=15221#readmore

should include an analysis of potential outcomes (positive and negative, and intended and unintended) and also clarification regarding the potential for adverse (or positive) public exposure, scrutiny and media coverage.

A protection plan for use in the event that the WHRDs who have given information to the documenters come under threat should be prepared collaboratively. Potential allies and partners that could provide different degrees of support for protection during the documentation process should be identified and agreed upon.

The documenters should at all times plan to use the documentation in keeping with the wishes of the women human rights defenders concerned. If they decide at any point that they do not want the information made public, it is important to discuss why, and if or when the decision may be re-opened.

Progress on how the information documented has been/is being used should be shared with family and community members assuming they are not the perpetrators of the harms involved. Others who are close to the WHRDs or the situation involved, including other activists (as necessary), should be engaged in the discussion.⁵⁸

The potential of the affected WHRDs and their communities to be involved with follow-up activities and in campaigns should be taken into consideration at all times. Creating active roles for WHRDs in related advocacy and in media work can also contribute to a sense of empowerment and healing after enduring abuses.

Where potentially useful, different forms and methods of documentation should be explored in consultation with groups already engaged with the issue to determine which would be the most appropriate and effective in terms of the objectives and goals identified; focus should be on participatory methodologies, ie. those which enable members of the WHRD community concerned to become part of the process of documentation.

Agreement should be reached among all relevant parties regarding methods and methodologies for guaranteeing security of the information gathered, as well as for all those involved in the process including the documenters, the victims/survivors and other testifiers.

⁵⁸ See Chapter 3 for a discussion about non-State actors and family and community members.

On language

The terms and vocabulary to be used in the collection and presentation of the information relating to the violation/s should be agreed upon. This is especially important in situations where translation is involved, and when particular attention must be paid to certain identities or areas of advocacy of WHRDs. This is of concern, for example, when the WHRDs involved are focused on sexual rights issues and may themselves be gender-non conforming or sex workers. Care must be taken to listen carefully to the terms the defenders embrace, with attention paid to slang and the possibility of conflicts between “insider language” and how terms may be perceived externally.⁵⁹ Translation of terms related to gender and sexuality must be done carefully and checked by those who have a sense of what is appropriate; it is important that translations of WHRDs’ experience do not use offensive language, or terms that put the defenders at additional risk.

A format for the documentation (written/audio/ audiovisual/digital) should be developed and designed through a consultative process. The focus should be on ways of obtaining information in the highest quality possible (credible, acceptable in legal processes, acceptable for media and communication processes) while being always sensitive to the wishes of the WHRDs concerned, and to the specificity of the context and established purposes.

In certain circumstances, more than one form of documentation may be useful or necessary to achieve certain outcomes. Documentation processes can involve information gathering for litigation, but they can also be designed for the purpose of creating historical record

⁵⁹ Nuance is important here: when dealing with issues of gender identity and sexual orientation, terms that may sound pejorative to the general community may be used within a specific community as a form of “reclaiming” the negative term. On the other hand, offensive language may be used by some defenders about others. Care must be taken to explain and be clear within the documentation if confusion may arise from the use of certain terms or in translation. One example is confusion surrounding trans communities, e.g. differences among transgender, transsexual, transvestite and cross-dressing identities.

in order to show social movement history or to prevent critical testimonies being lost, for example, by the death or disabling of a key witness. This can be a valuable contribution to oral history records of a community or social sector.

Documentation processes can also gather poems and drawings and other creative expression of the violation/s done by witnesses and testifiers, as these may at times reveal facts and truths that are not so easily verbally articulated. Creating and maintaining audio and visual records of conversations and interactions between witnesses and documenters, especially through participatory video-making, can be a constructive part of the documentation process.

In designing the format for documentation, those engaged in the process should keep in mind that many prevailing methods and existing “standard formats” are framed around the norm of experiences of male human rights defenders, and therefore focus on certain kinds of violations that occur in certain kinds of places. *When these are used as a documentation basis for WHRDs, they should be built upon and transformed into gender-sensitive forms and formats.*

The process of documentation: methodology and approaches

There is no single “best” documentation process, but some of the principles elaborated on below contribute to a gender sensitive and gender-responsive methodology that takes into account many elements of WHRDs’ experiences. As in the previous section, the following exploration assumes a more formal process that is undertaken with documenters who may be outside the community directly involved. But, again, these ideas can easily be adapted for anyone recording the experiences of WHRDs, and can even serve as a basis for activist discussions and trainings about sensitive documentation.

1. The documenters should be introduced into the community and to the relevant women human rights defenders through the groups and/or individuals who have agreed to host the documentation activity. This community can be of activists or of local residents or any other groups that are relevant. The introduction should include sharing of the objectives of the documentation, the methodology, and the protection and accountability mechanisms that have been put into

CASE STUDY

A group of sex workers in Bangladesh made the film *When We Walk the Streets*, which sensitively documented their day-to-day lives. The filmmakers interviewed each other about police brutality, and they also interviewed health workers, NGO activists and members of the public. In 2003, a film called *Documenting Our Lives* was made about the process of making the original film.⁶⁰

place. As noted above, ensuring the cooperation and consent of main “parties” is critical.

2. The documenters should work with the WHRDs involved to make sure that the process of documenting is sensitive to their situation; this includes ensuring privacy and confidentiality as much as possible. Gaining the support of family and community members (where they do not pose a threat), close political allies, or the support of others who will be affirming is critical.
3. If a team of people is doing the documentation, emphasis should be placed on understanding and agreeing upon who is doing which part—gathering official/legal documents, doing interviews, analysing the data and information etc.—so that there is agreement on the collective nature of the process.
4. The documenters should incorporate and be aware of the uses of both qualitative and quantitative data, and of reliable sources of statistical information, where it exists. This is especially useful because States often use statistics to combat or deny allegations of egregious or systematic violations of human rights raised by activists and civil society organisations. Statistical information is also useful for supporting litigation and actions for justice. In certain situations, little quantitative (or qualitative) information exists—this is particularly true for those defenders in marginalized communities, such as those who are poor, of Indigenous backgrounds, sex workers, lesbians and people in other sexual minority groups.

⁶⁰ For more information about these and other related films, see the Global Alliance Against Trafficking in Women’s website at <http://www.gaatw.org/171-materials>

Documentation can help to build an evidence base; it can help to create statistical analysis where none already exists, including for groups of WHRDs who tend to be made invisible in quantitative studies.

5. While at all times the documentation process must respect the voice of WHRDs, there is also a need to verify stories, gather other information that will substantiate the information, and ensure accuracy regarding times, dates, places, witnesses etc. It is helpful to explain the verification process from the outset so WHRDs don't feel they are being mistrusted after giving information.

Documentation as an act of solidarity: When documentation is part of a collective activist process, some defenders suggest that it is helpful to have a division of labour. People who are not on the 'frontline' can take on some of the burdens of documentation. This is especially helpful if WHRDs are at immediate further risk and prioritising their own crisis-based security needs rather than focusing on collecting, verifying and reporting evidence, which others can more easily help with.

6. The documenters must, at all times, respect WHRDs' own ways of relating their experience (including their use of terms, and concepts), and must engage in sensitive questioning to ensure that the specific nature of the attacks is established and recorded, and the WHRDs are respected. Documenters sometimes face the challenge of placing what has been recounted by the defenders "into" human rights and international law terminology, since that language may not be used by activists themselves.

7. In such situations, when the documenters may "interpret" or "translate" the voice of the women human rights defender in order to shape the case for a specific audience or recipient, it is very important to retain a record of the "original" version and language. Paying attention to not taking away WHRDs' voices is critical, as is letting them know that their exact language may or may not be used in parts of the documentation.

8. The process of telling the story and describing the event and the incident of violation may play a role in making a women human rights defender more vulnerable or a role in moving that defender towards a healing process—or both. The documentation process ought to include a discussion regarding these potential consequences, both positive and negative. *Where potential for trauma exists, it is useful to ensure psychosocial resources are available or made known. It is valuable to have this kind of support for both WHRDs and those documenting during and after interviews, in order to provide guidance to them and to their communities.*

When others become involved

In certain situations "third parties" become part of the WHRD documentation process or become involved in using the documentation that has originally been produced in a gender-sensitive way. When other people or organizations that do not have the same commitment to understanding nuances of gender become involved in the case, such as the media or at times, even other human rights groups, challenges often arise. Efforts should be made to hold these actors to the same standards, with the same commitment to respect, gender sensitivity and obtaining consent and permission for use of the original material; they should be pushed to adhere to all of the relevant principles previously discussed.

Follow-up to the documentation process

If it is welcomed by the WHRDs or the community involved, documenters should actively pursue, alongside WHRDs, a process of obtaining justice and reparation as those involved have framed or demanded. This, of course, is shaped by the purpose and use of the documentation created. Not all processes will benefit from the documenters' continued involvement, but some will, and will be received well from people most deeply connected to the case.

Generally, documenters should:

- Remain in touch with the women human rights defenders to assess any responses to or developments in the documentation process
- Ensure that the protection plan remains in place and is responsive
- Monitor and track responses to the documentation once it is placed in the public arena. While responses in some sites such as the media may appear relatively quickly and be easy to track, other changes that take place due to the information being available—for example, in legal and policy arenas—may evolve over time and be harder to find.

Questions about the “big picture”

The following questions are meant to be provocative and also can help to guide discussions and training workshops about documentation of WHRDs’ experience. Some of these have simpler answers than others, but all are useful in terms of assessing some of the challenges and critical issues that arise after documentation has been created and is “in use”.

- When we say that documentation can serve as “a tool to empower women human rights defenders” who

In some situations, the language of “international standards” and human rights law is not adequate or nuanced enough. When this occurs, the documentation process can become part of transforming existing human rights analysis and frameworks into something that evolves over time as more accurate and meaningful (For example, a woman human rights defender may be a victim of a pattern of “hate speech”, and may describe it only as a threat or verbal abuse. Human rights terminology and analysis develop over time, and documentation can contribute to this process). Gender sensitive and gender-responsive documentation can fuel changing the ways gender-based violations are categorised and recognized in wider communities.

have been victims and survivors of violations as well as others in related communities, what do we mean? What does this empowerment look like, either for individuals or groups?

- How can we define the political or social impact of “telling the story?” Has the documentation, or the



PHOTO COURTESY OF ONE IN NINE CAMPAIGN, SOUTH AFRICA.

Activists in South Africa protest violence against women.

narrative that was shared within it, meant something to the community at large, including at local and national levels?

- Has it helped people to become aware of the violations experienced by WHRDs?
- Has it strengthened campaigning against abuses? Has it generated other acts of resistance or policy change?
- Is telling the story as important as a political outcome? Why?
- How have existing power dynamics been altered and shifted as a consequence of having this information available in the public domain?
- Has documentation been a part of a broader strategy of seeking accountability and redress? Did it motivate other beneficial activities? Preclude them? Did it foster coalition advocacy?
- In terms of the individual WHRDs, has the process made a difference in their lives? Have they been able to expand their linkages and alliances as a result of speaking out? Has their advocacy or sense of empowerment been strengthened?
- Have new initiatives been formed? Has anything been gained? Has anyone experienced additional harm?
- What could have been done differently to ensure more beneficial outcomes? How best can those lessons be shared with others?

CHAPTER 5

Using Documentation

There are many reasons to document violations against women human rights defenders, and activists use that documentation in any number of creative ways. Generally, activists use documentation as a tool to “seek justice” after a harm has been done.

Telling a story supported by facts can generate public outrage and protest about a human rights situation. It can create a specific change in someone’s circumstances or in a policy. It can mobilise solidarity locally, nationally or internationally, thereby helping to build social movements and change social attitudes. It can ensure violations targeted at individuals and groups are never forgotten. And it can legitimise and validate the advocacy and social justice struggles of women human rights defenders around the world.

Many uses of documentation are directed at generating outcomes in legal arenas. In some situations, documentation helps defenders secure legal representation, which can be a critical early step necessary for a number of outcomes. In other situations, documentation of the experiences of WHRDs helps to challenge authorities who maintain their political, religious, familial or cultural control through invalidating or punishing activists—or women in general.

This chapter explains some of the more formal systems, or “mechanisms”,⁶¹ for accountability, justice and protection that exist for WHRDs at the national, regional and international levels. It does not present an exhaustive list, but provides a discussion of some of the key advocacy strategies that women human rights defenders may adopt—and use documentation to sup-

port—to respond to attacks and to overcome obstacles put in our paths because of our activism. The chapter that follows emphasizes human rights strategies that are somehow legal or more formal in nature and that are connected to judicial or intergovernmental processes. These, of course, are not the only outcomes for the good uses of documentation on and by WHRDs, and legal outcomes often rest on and can contribute to other social movement advocacy.

- **Part 1 of this chapter presents some guiding questions and creative ways that women human rights defenders can use documentation to secure protection while at the same time creating public awareness and demanding change.** Most of the initiatives described in this section pertain to actions by and for civil society.
- **Part 2 examines more formal advocacy including use of the courts, judicial systems and the United Nations to seek justice and accountability at national, regional and global levels.** This section addresses in detail documentation and advocacy with U.N. treaty bodies, “special procedures”,⁶² the Universal Periodic Review of the U.N. Human Rights Council, and regional human rights courts and commissions.

⁶¹ The term human rights “mechanism” is generally meant to imply an official human rights “body” or “entity” that monitors or makes decisions about human rights situations. There are regional and global mechanisms, and most accept information from NGOs about human rights issues. In this section, “mechanism” also applies to national courts and other systems of justice.

⁶² “Special procedures” is a term used in the U.N. and some regional governmental systems for various independent experts, often called special rapporteurs, and working groups. Their mandates are to report and advise on human rights situations in countries or based on themes or experiences of groups of people.

Part 1: Advocacy for social change, protection, justice and accountability

Overall, some argue that there are *a few overarching reasons to create and use documentation*:

1. *To bring about an outcome related to some form of “change” (whether for a particular case or for social justice, generally)*
2. *To protect women human rights defenders*
3. *To seek justice, and*
4. *To seek accountability through telling the truth about violations.*

Together and individually, these categories help to shape advocacy choices of WHRDs. Good documentation is the foundation of all of these objectives.

1. The idea of using documentation to create change is far reaching, and is simply based in *eliciting a change in circumstances or in understanding*, whether related to safety, attitudes, policies, or the climate surrounding activism. Documenting for human rights-related purposes implies that something is wrong, and the status quo is not good enough.
2. *Protection* of WHRDs refers to putting in place “systems” to prevent future or additional abuses. Protection can take many forms: it can be preventive and “future-based”, or designed to address someone immediately at risk. It can include various forms of security, including those related to physical and psycho-social well-being and even longer-term economic safety.
3. The common understanding of *justice* is a rooted in building a world based on fairness and equity. In a legal sense, “justice” incorporates ideas based on the principle of punishment for any wrong inflicted on another. So for most violations of rights, the remedy (or “solution”) has been to make a formal complaint with police or other official “body”, file a case, and undergo litigation to prove that the violation was committed by the alleged perpetrator, with a judge or jury finally punishing the wrongdoer.

However, feminists have argued that demands related to gender-sensitive and gender-responsive justice go far beyond punishment of perpetrators. They argue that justice for women and WHRDs could or should include more than remedies from courts or judicial systems. Some of these demands include: the prioritizing of protection from and prevention of

further abuses, and redress, including compensation (or other reparations), and, in the framework of transitional justice⁶³, reconciliation and healing.

4. Justice implies and requires having mechanisms of *accountability* to prevent and punish violations and abuses, and the provision of remedies to those affected. Accountability, on an informal level, can be defined as taking responsibility for one’s actions; it is also closely related to the process of seeking that responsibility from others, providing recourse or remedy for and to those negatively affected for harms and undertaking appropriate corrective action. Under international human rights law, States are directly accountable for any violation resulting from State action or policy within their territories.⁶⁴ In addition, governments are ultimately accountable for abuses committed by non-State or private actors, including family and community members and corporate actors, where there is lack of diligence on their part to prevent, control, or punish violations or to protect human rights. Of course, non-State actors are directly accountable, as well, through national and sometimes international criminal law. Accountability can also be enforced through non-legal means and through traditional justice mechanisms.

*If a harm is done to women
human rights defenders,
the person, people and institutions
who are responsible
ought to be held accountable.*

Deciding what to do with documentation

Good documentation creates opportunities to demand outcomes in different arenas. It supports a range of uses and goals, sometimes simultaneously. Documentation can be “repackaged” and used for different “sites” of advocacy, a range of

⁶³ Transitional justice generally is concerned about legacies of “massive human rights abuses” and can include systems that are put into place in the aftermath of contexts of conflict and state repression.

⁶⁴ There are obligations for States to ensure their actions do no human rights harm beyond their territories, as well. For a current discussion and more information about accountability and justice, see OHCHR and the Center for Economic and Social Rights, *Who will be Accountable: human rights and the post-2015 development agenda* (2013).

CASE STUDY

The Gay and Lesbian Coalition of Kenya (GALCK) with activists from Minority Women in Action (MWA), another Kenyan activist group, created a detailed country report in which they documented realities of lesbians' lives in Kenya, with a grounding in an analysis about bodily autonomy.

After activists crafted the documentation, which included both concerns and strategies, they easily repackaged the content for use as a shadow report submission to the African Commission. The advantage of this recrafting was to make documentation come alive for different uses, audiences and outcomes. They developed the entire project so it could be immediately applied to organizing once the initial documentation was done. Besides having a paper trail of lived realities—the “product” can be used for media campaigns, for lobbying, to make presentations to churches and other religious groups or for any other strategic purposes.

audiences and to build wider coalitions. Therefore, far from choosing just one strategy, activists should look to using documentation to support multiple creative tactics.

Advocates must continually think about the best strategy or forum to access, given our assessments of our objectives, capacity, expertise and the risks faced. Some of the considerations advocates need to consider in deciding how to use documentation include:

WHAT ARE THE OBJECTIVES/GOALS?

As outlined above and in previous chapters, there are many different ways documentation can be used to meet particular objectives. Clearly defining the objective and desired outcome of any use of documentation is essential to ensuring choosing the best strategy, tactics and sites to meet those goals.

The ability to share the narratives of women human rights defenders with accuracy and in a timely way underpins all of these efforts, whether the desired outcomes are about reducing immediate threats, changing a policy, or creating long-term attitude change. Defining the objectives or goals of advocacy ought to be

determined by what is seen as strategic and feasible at the time.⁶⁵ This process should also place the concerns, demands and desires of WHRDs and the contexts in which we work at the centre of decision-making.

Also, since situations can change rapidly for defenders, including risks to security, it is vital that those documenting reassess circumstances at various times and remain in close communication with those whose experiences are being addressed. Some situations call for flexibility and modifying advocacy strategies as time passes and as circumstances change.

WHAT IMPACT DOES THE CONTEXT AND ENVIRONMENT HAVE ON WHRDs' ADVOCACY CHOICES?

As explored in previous chapters, context and environment can have a significant impact on—or even determine—what WHRDs can do with documentation and what can be effectively achieved through advocacy.⁶⁶ Extremely hostile political climates, or election cycles, for instance, may expand or limit the choices that defenders make.

Contexts may determine whether more public or more “underground” strategies are chosen. For instance, if advocacy is grounded in defending rights of people whose behaviour or identities are criminalised,

CASE STUDY

In 2012, in Uganda, police raided a Drop In Centre of the Women's Organization Network for Human Rights Advocacy (WONETHA), a group that defends rights of sex workers and provides information on sexual and reproductive health. Police arrested two staff and confiscated documents, computers and other materials. Sex work is illegal in Uganda, although providing services for sex workers is not. Police have engaged in various forms of harassment, claiming that all activities related to sex work are illegal.⁶⁷

⁶⁵ See Chapter 4 on How to Document for fuller analysis.

⁶⁶ See Chapter 3 Part 2 on Context and Environment for fuller analysis.

⁶⁷ Defending the Defender—Women Human Rights Defenders in Uganda Face Unlawful Criminalization; AWID; <http://www.awid.org/news-and-analysis/defending-defender-women-human-rights-defenders-uganda-face-unlawful>

such as sex workers or LGBT people, defenders may choose certain strategies over others in order to avoid immediate arrest.⁶⁸ When WHRDs are criminalized, certain factors must be taken into account.⁶⁹

What if the goal of using documentation is to decriminalise a group's behaviour or identity—but those defenders are more likely to be arrested in the process of seeking justice because of the legal context? How are different advocacy decisions made when the real or perceived identity or behaviour of the defenders involved places them immediately at risk of detention—simply because of who they are seen to be?

GUIDING QUESTIONS

- How are risk assessments made more complicated than in other situations? What other things must be taken into account?
- How is coalition work or solidarity affected? Are defenders in these situations more likely to have partners in advocacy? Less?
- How can allies provide support when they are placed at risk as well (e.g., health providers who will not expose HIV+ status of their clients where transmission is criminalized, or who will protect sex workers by not naming them to police)?
- How are decisions about security made when arrests are likely because of a law that criminalizes identities and expressions of sexuality or gender, rather than any advocacy actions the defenders take?
- What are the implications for confidentiality of defenders in these circumstances?
- How are media strategies affected in these cases, when any exposure creates immediate risk, and especially if there is a close relationship between the media and the government?

WHAT ARE THE PROS AND CONS OF DIFFERENT ADVOCACY "SITES" OR MECHANISMS?

Many kinds of social justice organizations are struggling in the current global political context.

⁶⁸ Laws may criminalize identity directly, or defenders' appearance or advocacy. Laws related to "public scandal" or "public decency" are also used to arrest those who are seen to be defying gender norms. Women wearing mini-skirts are sometimes harassed or arrested, as well.

⁶⁹ There are similarities in terms of reproductive rights as well, especially in the context of providers of abortion services where abortion is illegal.

CASE STUDY



Five young Chinese feminist activists were detained on the eve of International Women's Day (March 8) in China in 2015.

The WHRDs, some of whom had already engaged in various forms of street theater protests, had been planning a multi-city protest against sexual harassment. They were accused of "picking quarrels and provoking trouble," a charge allegedly commonly used against human rights defenders. With the rallying call of "Free the Feminist Five!" an immediate international outcry ensued that demanded the release of the activists and dropping of charges. They were, indeed, released on bail the following month, yet charges against them were not immediately dropped. Some assert that charges were maintained in order to allow additional and ongoing intimidation tactics by the government.⁷⁰

Restrictions on civil society organizing are rampant in the global South and North, with one estimate revealing that since 2013, over 60 countries have passed or introduced legislation that limits NGO activity.⁷¹ Human rights defenders are increasingly facing challenges to advocacy, with governments finding ever

⁷⁰ "WHRDIC Urges Chinese Authorities to Release Five Young Feminists," <http://www.defendingwomen-defendingrights.org/?s=chinese+feminists/>

⁷¹ See, for instance, "Human rights groups see global crackdown 'not seen in a generation'," <http://www.theguardian.com/law/2015/aug/26/ngos-face-restrictions-laws-human-rights-generation>

more creative ways to create restrictions on dissent and political engagement. Of course, this poses an added layer of challenge for women human rights defenders, as women's, human rights, and sexual and reproductive rights groups are often caught in this dragnet, and as WHRDs as individuals face additional risks and harassment.

In a world of limited resources for activism, WHRDs must make smart decisions about where we choose to make our claims. Not all places for advocacy will be equally beneficial or equally challenging.

GUIDING QUESTIONS FOR ASSESSING ADVOCACY SITES:

- What is the history with that particular site of advocacy, or mechanism? Has it received information on women human rights defenders before? If yes, was the outcome useful? Is there an immediate possibility for future constructive outcomes?
- How open are decision-makers within that space to new human rights ideas, or to women's human rights, or to defenders generally?
- What is the coalition building potential? Do all groups work in the space under consideration? What kind of experiences have they had?
- Are there risks of using that mechanism, whether in relation to safety, exposure or negative political outcomes, including reprisals?
- What are the potential costs—whether financial or otherwise?

Activists creating and using documentation must remember that, whatever their chosen strategies, they may be relying on systems that can be hostile, or that are sometimes seen to fail women. Using documentation for political and cultural outcomes is courageous, and often entails seeking long-term change as much as it also entails seeking more immediate justice and accountability in a particular case. That kind of long-term engagement in these spaces can require tenacity.

One critical concern is that women human rights defenders must assess *at the local level* the socio-political and economic impacts as well as advantages and disadvantages of engaging with U.N. and regional mechanisms—and the risks or opportunities that international engagement can bring. For example, in some cases, defenders at risk within a particular country may

CASE STUDY

In an interview published by The Guardian UK newspaper, Sri Lankan women's rights activist Nimalka Fernando refers to challenges she faced after participating in U.N. activities. "And the Sri Lanka Broadcasting Corporation, in one of the programmes, titled [it] 'Stoning the Sinner Woman' because I spoke about the rights of sex workers, I spoke about the manner in which we have the right to go and work in the U.N. openly, transparently. They discussed the ways and means of how to kill us, kill me and kill other human rights defenders while cooperating with the U.N."⁷²

CASE STUDY

The following text is from a March 2014 press release issued by several U.N. Special Procedures about the death of Chinese activist and WHRD Cao Shunli.

A group of U.N. experts today expressed their dismay concerning the death of Cao Shunli in hospital on 14 March.... Ms. Cao was a prominent human rights lawyer in China who had tirelessly campaigned since 2008 for transparency and greater participation of civil society in the second universal periodic review (UPR) of China's human rights record by the U.N. Human Rights Council. On 14 September 2013, Ms. Cao was prevented by Chinese authorities from boarding a flight from Beijing to Geneva where she was to participate in a human rights seminar and observe China's UPR. Subsequent to her detention, Ms. Cao's whereabouts were unknown until she was charged with the crime of provocation. Her health deteriorated while she was in detention and she was transferred to hospital in a critical condition on 19 February 2014.⁷³ [Cao Shunli died a few weeks after she was transferred to the hospital.]

⁷² "Women Human Rights Defenders Under Threat", <http://www.theguardian.com/global-development/2015/apr/10/womens-human-rights-defenders-under-threat-podcast-transcript>

⁷³ "Deadly reprisals: U.N. experts deplore the events leading to the death of Chinese human rights defender Cao Shunli, and ask for full investigation"; <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14394&LangID=E>

Sometimes advocacy processes are groundbreaking in their effects, but backbreaking in their details! Transforming bureaucracies such as governments and the U.N. and engaging in advocacy within them over time can be arduous and can deplete WHRDs' resources and energy. Knowing some of the risks beforehand helps WHRDs minimize the potential for negative outcomes.

be placed in additional danger if their cases are publicized at the international level. Additionally, it might impede their ability to leave their countries to move to safer places if their governments are informed that they have been in touch with U.N. experts. This could lead to other activists, organizations or movements being penalized.

While WHRDs cannot predict the exact ramifications of using documentation at the global level, we should always be aware that there is a chance of reprisals against us or our communities.⁷⁴

Alternatively, having international exposure can add a level of protection for WHRDs and our advocacy. Sometimes WHRDs are less likely to be antagonized by government actors or others if those in power know the case will be scrutinized. Sorting the question of whether exposure because of advocacy will provide protection and/or risk is a necessary part of the documentation process as defenders' stories "go public".

WHAT RESOURCES DO YOU HAVE?

It is important to consider the human capacity and expertise at hand as well as financial resources available when determining what advocacy strategy or forum to use. Some fora require extensive time, expertise and money. For example, seeking justice through the courts can be a lengthy and expensive process requiring legal and other expertise in order to navigate effectively. Other options are not expensive, but also require a degree of expertise, including, for instance, working with media. Always consider what resources allies may also have to contribute to the documentation

⁷⁴ For more information on reprisals, see the International Service for Human Rights, Reprisals Handbook, at <http://www.ishr.ch/news/reprisals-handbook>

and advocacy process, or who else is potentially doing similar work.

ADDITIONAL GUIDING QUESTIONS

- Can advocacy be sustained in a particular venue over time? Is there a time limit for achieving the goals?
- Will achieving goals in one advocacy area lead to more "resource-draining" work?
- Are there additional funds available to continue to use documentation in advocacy or to create new and "deeper" layers of the documentation itself?
- What activism will need to be deprioritized in order to focus on creating or using documentation in advocacy? What are the implications of these decisions to deprioritize other areas of important work?

What are some of the creative ways documentation can be used to secure protection?

The following section provides simple overviews of common tactics and opportunities WHRDs use to make our demands—with solid documentation at the foundation.

ACTION ALERTS OR URGENT APPEALS

These are short letters of appeal circulated among a potentially vast network of civil society groups and individuals to pressure governments and other responsible parties to prevent or stop atrocities against women human rights defenders from occurring, or to demand a specific outcome when they have. These appeals usually lay out the basic details of a case, are fairly short, and demand a specific action. These appeals can also be sent to U.N. or regional authorities, including the Special Rapporteurs on Human Rights Defenders or other Special Rapporteurs for their action, if U.N. or regional-level intervention is desired. The appeals are sometimes newsworthy and can be used to attract media attention to the cause.

In general, urgent appeals are sent to possible allies who are asked to write or sign letters about a documented case and then to forward the corresponding demands to specific authorities in a government. Petitions are similar, in that they are designed to collect

CASE STUDY

The Secretary General of the United Nations, Ban Ki-Moon, was sent an urgent appeal about WHRDs in January 2015.

Launched by the Mesoamerican Initiative for Women Human Rights Defenders (IM—Defensoras), this letter highlighted violence and discrimination against WHRDs in El Salvador and Honduras, and called for him to intervene with the governments of those countries to address the abuses. IM-Defensoras asked the Secretary General to talk about these issues, and to encourage the governments of Honduras and El Salvador to “define, in consultation and dialogue with civil society, a comprehensive policy of protection for Women Human Rights Defenders that includes public actions in recognition of their work, effective access to justice mechanisms, and an end to impunity in cases of attacks”.⁷⁵

large numbers of signatures for delivery to someone in authority who is seen to be able to make a difference in case. Demands may include launching an investigation into reported abuses, releasing a WHRD from detention, or creating a fair trial in which perpetrators can be held accountable. There are a number of organisations that develop action alerts for cases of women human rights defenders, including the Women Human Rights Defenders International Coalition, and some of its members.⁷⁶

CAMPAIGNS

Campaigns can be an effective longer-term means of responding to violations facing women human rights defenders. These campaigns can be comprised of a combination of urgent appeals, solidarity messages, mass protests and demonstrations, press releases and other media work, and lobbying pertinent govern-

⁷⁵ <http://www.awid.org/news-and-analysis/letter-im-defensoras-ban-ki-moon>

⁷⁶ For more detail about organizations that create and distribute urgent appeals on WHRDs see <http://urgent-responses.awid.org/WHRD/urgent-appeals-international-solidarity-and-communication-strategies/> and, similarly, <http://www.awid.org/publications/urgent-responses-women-human-rights-defenders-risk>, Immaculada Barcia, Association of Women’s Rights in Development and the Women Human Rights Defender International Coalition.

ment officials / bodies to prevent and stop violations against WHRDs. They can involve efforts to increase the awareness of specific people or the general public about an issue. Campaigns can be short or long term, and usually have a series of goals that may shift as the campaign evolves into different stages. They also may include simultaneous strategies: for instance, they may engage the media for public awareness messages and also have a specific legal strategy that entails using the courts.

CASE STUDY

On Human Rights Day (December 10th), 2014, The U.N. Office of the High Commissioner for Human Rights launched a WHRD campaign that ran until International Women’s Day (March 8th) in 2015.

The campaign used the 20th anniversary of the U.N. Beijing Fourth World Conference on Women (“The Beijing Conference”) to honour and pay tribute to women human rights defenders around the world.⁷⁷ The campaign focused on 12 remarkable WHRDs—one for each chapter of the Beijing Platform for Action (the document that governments agreed to at the Beijing meeting).

CASE STUDY

In October of 2015, Front Line Defenders launched a similar campaign to highlight both the 20th anniversary of the Beijing Platform for Action and current WHRD cases. Their campaign materials noted, “Beijing Platform for Action. 20 years. 12 Goals. 12 Women Fighting for Justice.” In addition to educating about the content of the Beijing Platform, the website asserted, “these 12 women human rights defenders share a refusal to quit in the face of highly gendered harassment, violence, and persecution.”⁷⁸

⁷⁷ <http://www.ohchr.org/EN/NewsEvents/WHRD/Pages/WomenHRDefenders.aspx>

⁷⁸ <https://medium.com/@FrontLineDefenders/beijing-platform-for-action-b6f4403c42f4#.4wkvjja13>

Goals of campaigns can include release of prisoners, a change in law or policy, building coalition work on a process, enhancing media sensitivity, or having a government or other official held accountable for actions. Campaigning may engage activists for a few days, weeks, months or years. Generally, campaigns rest on solid documentation and analysis of abuses. During a campaign, activists may decide to continue to document in order to generate material for use in advocacy, or for additional “messaging” to support the campaign goals.

Documentation of the campaign itself is also useful as activists seek to tell their own social movement histories. Some groups or activists record their own campaigning experiences as another way of contributing to a social justice cause or to a specific WHRD case.

While campaigns on behalf of WHRDs are usually conceived of and launched by activist and social justice organizations, in certain circumstances, allies in U.N. agencies take initiative to call attention to these causes. Generally, this is with the support and collaboration of NGOs.

EMERGENCY SUPPORT

Support in emergency situations is most crucial for WHRDs who face imminent threat of escalating violence or who are in politically volatile environments that place them, and their families and colleagues, at immediate risk. Rapid documentation can sometimes enable defenders to access emergency support to secure safety through physically leaving a situation or locale. In these situations, WHRDs may be relocated in a matter of hours—after those involved have quickly put into place systems that allow those at risk to leave a country, city, or neighbourhood. Once defenders are in a more secure locale, emergency legal and other services are sometimes provided in order to help them continue their activism or to simply re-establish their day-to-day lives.

Documentation in these circumstances is usually done very quickly, and may be designed simply to obtain the most basic facts of a case so that a defender can access support without delay. These situations often require a commitment to a high degree of confidentiality because of the immediate dangers involved, and to keeping a “low profile”, with few people being informed of WHRDs’ locations or schedules.

Some NGOs are able to respond to immediate appeals that are well documented or well argued with

basic facts.⁷⁹ Various human rights groups or even some government embassies can be of assistance in these emergency situations.

Educating ally activists, staff of organizations (or other entities) that intervene in emergencies about WHRDs’ experiences and needs remains critical. Even in situations of great urgency, gender sensitive processes—including the original documentation process—are of fundamental importance. Nuance about gender and the contexts of violations are too easily lost in the push to document quickly so care must be taken to maintain a proper focus on these details.

PROTECTION THROUGH PROMOTING VISIBILITY AND PROVIDING OTHER OPPORTUNITIES: TRAININGS, AWARDS, MEETINGS, FELLOWSHIPS AND GRANTS

One way to ensure the safety of human rights defenders is to provide visible recognition through the use of appropriate publicity. Documentation can raise the profile of individual defenders, our organizations and, consequently, our political concerns. Sometimes we have access to public discussions, meetings, trainings, and conferences as a result of this increased public presence. Awards sometimes bring a form of legitimacy and public recognition, including in the media.⁸⁰ While these are not usually what motivate documentation, it’s important to remember that one of their uses is building networks, skills and a public reputation. All of these can add layers of protection to defenders at risk.

As part of their human rights response efforts, some organizations offer fellowships to defenders so they can take time away from their regular work to pursue other projects which may or may not be directly related to their advocacy.

⁷⁹ For instance, the Urgent Action Fund provides emergency funding within 72 hours of receiving a relevant request; see <http://urgentactionfund.org/what-we-do/rapid-response-grantmaking/>. And in some situations, Front Line Defenders provides support within 24 hours to defenders at immediate risk; see <https://www.frontlinedefenders.org/emergency>.

⁸⁰ See WHRD-IC website, Defending Women-Defending Rights.org, <http://urgent-responses.awid.org/WHRD/table-of-existing-responses/awards-and-fellowships/>. In terms of awards, it is also true that some claim that these can lead to a “culture of heroes”, so they reject this strategy.

CASE STUDY



“Extremists have shown what frightens them most: a girl with a book.” Malala Yousafzai is a young Pakistani human rights defender with a focus on girls’ rights to education. In October 2012, in a case that immediately garnered international outrage, she was shot in the head by a man affiliated with the Taliban, likely as punishment for her blogging and exposure and criticism of that fundamentalist group. After the attack, which took place on her school bus and also injured other children, Malala and her family left Pakistan, as it was no longer safe for them to remain there. Malala has continued her activism and has sustained her critical voice as a human rights defender. She was awarded the Nobel Peace Prize in 2014, and at 17 was the youngest ever recipient of that award.

Some groups give grants to WHRDs with the objective of strengthening their security and supporting protection measures. Grants have been used to:

- Improve security (through the provision of surveillance cameras, bars on windows, security guards, etc.)
- Purchase equipment (radios, computers, mobile phones)
- Provide safe transport to meetings or court hearings
- Pay for legal and medical fees
- Support evacuations to safe houses
- Support temporary relocation for WHRDs and their families to other cities or countries

The grant application process can be either formal or informal, depending on the organizations’ criteria or whether the grants are on an emergency basis.

Documentation of WHRDs’ experiences can lay a foundation for consideration for any of these kinds of programs or for public visibility.⁸¹ And of course all of these can support the defenders themselves as well as those who are creating documentation, if they are not one and the same.

CASE STUDY

Leyla Yunus is one of Azerbaijan’s most prominent women human rights defenders.

She is the founder and chair of Azerbaijan’s Institute for Peace and Democracy. Her work includes promotion of peace initiatives, projects to protect political prisoners, to defend women’s rights, and to combat torture, corruption, human trafficking, and property rights violations. The government of Azerbaijan has antagonized Leyla because of her efforts to expose truths about corruption and human rights situations. Leyla was been nominated for a number of awards, including the 2014 Nobel Peace Prize. She has been in detention since July, 2014 in a prison known for torturing inmates. While in detention, Leyla claimed to have been denied legal representation, beaten and denied medical attention. Allies hope that enhancing her notoriety may bring about her release.

⁸¹ For further information about WHRDs and grant and relief programs, see <http://urgent-responses.awid.org/WHRD/table-of-existing-responses/grants-and-relief-programs/>

Part 2: More formal advocacy, including national, United Nations and regional levels

Women human rights defenders often seek justice and accountability through “formal” means, including national legal systems, and the other systems, mechanisms and bodies that exist on regional and international levels. This advocacy may involve working with human rights groups and NGOs, requesting investigations from independent human rights commissions, filing cases in court, or seeking legal relief from governmental administrative bodies that enact judicial functions.

While seeking justice through courts has been successful in many instances, women’s rights advocates also have to be realistic regarding expectations. *Women continue to face many obstacles in using any legal system to obtain justice*, notably at two levels. First, the justice system can be inaccessible since not everyone has financial or other resources for sustained access, the knowledge of their legal rights, or a sense of when they have been violated or how to fight to obtain them. Secondly, women encounter barriers as a result of the gender bias inherent in most if not all legal systems; these obstacles include non-recognition of many offences against women and the male bias in the dominant membership of, and procedures and processes of, courts.

This part of Chapter 5 focuses on using documentation for more formal advocacy at national, United Nations and regional levels. It explains details about and strategies using courts, commissions, special procedures, treaty bodies and the Universal Periodic Review process. In addition to providing overviews of this work in these venues, information is offered about why these are useful and how to begin to access each.

Pursuing justice in any of these arenas requires documentation at various stages of the process, including and foundationally in relation to the original context of violations. Generally, defenders use documentation to bring cases at the domestic level first, before going outside state borders. Yet, where national systems fail, and when WHRDs want to highlight abuses on a regional or international stage, there can be great value in taking concerns beyond national borders. *Whether it is to win legal judgment or to sway public opinion, defenders can use these international bodies in tandem with domestic efforts.*

Of course, using “complaints procedures”⁸² and the courts at the U.N. and regional systems can impose additional challenges, including the fact that resources generally must be expended at the domestic level to seek national court remedies for justice and accountability before a regional court system can be engaged.⁸³ Regional advocacy does not always require national engagement first, although domestic challenges are often the building blocks of regional and international challenges.

The U.N. human rights system and regional human rights systems can be used by WHRDs to advocate for the protection of rights, including the right to carry out human rights work in a safe environment, free from retaliation. Action by any of the U.N. or regional mechanisms can lead to preventive measures, investigations, redress, or even the establishment of new international standards for the protection of rights.

Advocacy at the regional or global level can help bring about change at the domestic level. The best use of the U.N. and regional human rights mechanisms is as a complement to and reinforcer of national-level strategies. Work at each level can serve as a springboard for additional strategies and tactics to be used elsewhere.

Most importantly, using these arenas strategically can raise the visibility before the international community of women human rights defenders and the particular challenges that we face. *This, in turn, can generate the necessary political pressure required to bring about concrete results at national or local levels.*

Depending on the type of results sought by women human rights defenders, it may be more—or less—useful to engage with the U.N. or regional bodies. WHRDs

⁸² A complaints procedure is a formal name for the body or the system that literally hears complaints about violations. The U.N. Office of the High Commissioner for Human Rights says “the ability of individuals to complain about the violation of their rights in an international arena brings real meaning to the rights contained in the human rights treaties.” For more information see <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx>

⁸³ This generally means after domestic efforts are made and defenders’ cases are lost, they can then bring their cases to the regional / international level; when domestic options are “exhausted”, these other arenas come into play.



A recommendation from a U.N. or regional body is most effective when it coexists with commitments from a government to actually implement it! Once a recommendation is issued, advocates can demand implementation through domestic advocacy and campaigning tactics.

can choose to devote more resources to engaging in certain venues or to do some of these simultaneously. U.N. and regional mechanisms may be useful for raising the visibility of issues relating to WHRDs, but different “sites” may be more or less capable of obtaining concrete reparations for individual victims.

Engaging with most U.N. or regional systems requires stamina—it can be a slow process. The impact of the outcomes of work at U.N. or regional levels on the day-to-day lives of WHRDs working at the national and local levels may in some cases be—or may feel—limited. Engaging at the regional or global levels is often about long term, collective struggle. Yet, while results may not be immediate, over time, there have been many trends and definitive successes related to gender and defense of human rights.

Regional and global advocacy is particularly useful for promoting an analysis about a human rights issue that might be little understood, or that might seem new to those with a more traditional human rights grounding. Many WHRDs have helped to place certain issues on the international stage: for instance, domestic violence is an issue that gained visibility only about two and a half decades ago. In recent years, WHRDs have been promoting a focus on human rights of sex workers, maternal mortality and other reproductive rights issues, sexual orientation, gender identity and gender expression, and intersex issues, as only some examples. These exist alongside other human rights issues that have gained prominence but which had been invisible in the past, including the rights to water, rights related to climate and the environment, and rights implications of corporate malfeasance. *And, of course, WHRDs have been particularly successful at creating and raising the profile of “women human rights defenders” as a legitimate human rights topic!*

Human rights analysis evolves over time. WHRDs and gender-responsive documentation help to quicken the pace of that evolution.

Women human rights defenders have been advocating for a range of agendas with many wins along the way; women human rights activists, in particular, have been using these spaces to advocate for common objectives all around the world. These victories are often concrete, and can include the creation of a specific report, the passage of a resolution, defenders-related language contained within it, or the detail of one government officially saying to another “these are our concerns about these activists”. Equally important, but harder to measure, are the victories over time as consciousness changes about gender and human rights, and as more people understand gender based violations and the contexts that shape them.

1. At the national level

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (otherwise known as the Declaration on Human Rights Defenders), which was adopted in 1998, recognises the right of everyone to formally register a complaint when a human rights violation is committed and to have that complaint reviewed by an “independent, impartial and competent authority established by law”.⁸⁴ Although that right allows unhindered access to and communication with international bodies, it also implies national level obligations of States. National constitutions and laws provide for accountability in formal legal and judi-

⁸⁴ Article 9 of the Declaration states that there is a right to have the complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority. It clearly states the right to redress “including any compensation due, where there has been a violation of that person’s rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.”

The Declaration on Human Rights Defenders is available in English here:

<http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

and here in many other languages

<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Translation.aspx>

More information about the Declaration can be found here:

<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

cial systems that include courts, legal jurisprudence, law enforcement units, and other judicial entities. Depending on the specific aspects of the situation, the national courts are often a place for a focus on individual responsibility, while regional and international bodies are often means by which the State is held accountable.

In some countries, governments, and sometimes civil society have set up autonomous *national human rights institutions* (NHRIs) that have the mandate and resources to promote human rights and to monitor and investigate cases of violations. NHRIs can help to advance the rule of law with regard to the judiciary, law enforcement agencies and a country's correctional system. Engaging with national human rights institutions can reveal how local laws, policies and practices violate international laws and principles, especially where countries have adopted international human rights standards in their national legislations.

Not unexpectedly, NHRIs and the people who comprise them and determine their priorities and strategies are also subject to the same societal prejudices and gender-blind attitudes that others are. So, just as WHRDs should consider working with domestic human rights systems to reform policy and understanding of rights, they should also see NHRIs as potential "targets" of advocacy in order to make them more responsive to gender-related claims and those of WHRDs.

Women human rights defenders use these national level systems in all countries, albeit with varying degrees of success. National level work can also be slow and arduous, yet in some circumstances, situations

change rapidly (for instance after a pivotal election), which requires flexibility and attention to many details. The socio-political context surrounding a national level challenge is dynamic and must always be taken into account. Activists must ask, among other questions:

- Who at the federal level has an interest in the outcome of a particular case or discussion?
- Are court systems sensitive to gender-related claims? Is there precedent for using the courts successfully—or at all—on the specific issues under consideration? Or is the challenge posed a pioneering one?
- Who are the expected "players" in the situation, and do they have specific reputations? For instance, is a judge or are lawyers in the case known to be gender-sensitive or particularly hostile?

Because national level advocacy is sometimes very public, the results of that visibility can be immediate. Cases that capture the public's interest may be helped or hindered because of the high public profile of the issue or the people involved. Ramifications can be significant (although either positive or negative) if the cases involve people who already are well known or who carry particular power, such as government officials.

- Will cases be picked up in national level media? What is the expected tone of those media stories, in the short and long term?
- Is there potential for constructive media engagement? What power do WHRDs and other activists have to shape the stories connected to the case?
- What will the expected political ramifications be—threats to confidentiality? Risks to colleagues and family? Or more immediate gains in movement advocacy?

Once the initial documentation that describes the violations is used, activists can consider documenting their actual advocacy efforts as part of the effort to challenge the very systems that allow and perpetuate abuses.

And all of the other questions discussed in earlier chapters apply—including those about safety, resources, short and long term objectives, and a host of other concerns.

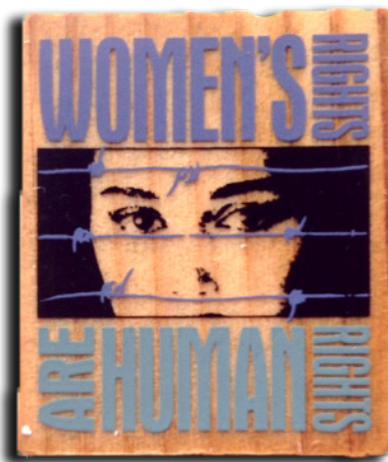
2. At the United Nations (U.N.)

Most defenders will look to use their documentation at a local level before thinking about bringing their stories to regional or international spheres. However, *it is in these global arenas where governments challenge one another, where human rights standards are developed, and where human rights issues can be presented to push governments toward truly respecting the human rights of all people.* It is also engagement at this level that can reinforce the advocacy and strategies defenders use at the national level.

A recommendation to a government from a U.N. entity—such as the treaty bodies or the Universal Periodic Review process (both discussed below)—is important both symbolically and strategically. These recommendations are devised in accordance with internationally recognised human rights standards, and can have direct application for the national context of the State concerned. *The outcomes from the U.N. system can generate useful international scrutiny on key human rights issues in a particular country.* This is true for issues such as the death penalty, military occupation, crackdowns on NGO activism, torture and patterns of assaults against women in times of conflict, as just some examples. The language in recommendations from and actions taken by U.N. bodies can be used as catalysts or advocacy tools to push national processes forward. The same can be said in many circumstances for regional human rights decisions and actions.

Before the 1990s, women did not consistently engage in these “gendered” spaces”; male activists had generally found these arenas more hospitable to their participation and priorities. Yet, for the last three decades, women have broken through many of the barriers at the U.N. and in regional arenas not only with great regularity, but also on the range of issues of great importance to women human rights defenders.⁸⁵

⁸⁵ As social movements evolve, so do the human rights standards and bodies within the U.N. system. At its inception, the U.N. did not provide for specific analysis of women’s experience. But in the last 25 or so years, for example, the U.N. has established a treaty body on



Button from the 1993 U.N. Vienna World Conference on Human Rights.

In the following sections, brief descriptions of various international human rights mechanisms are described with the intention of encouraging women human rights defenders to use these systems—and our documentation—to tell our truths, to use our analysis, to launch bold demands, and to seek reform, accountability and redress.

A. U.N. TREATY BODIES

Governments, when they sign and ratify a U.N. treaty, agree to be legally bound by its provisions, and to be monitored for their compliance with it. A “treaty body” refers to the official

Committee of independent experts established to monitor governments’ compliance with one of the 10 main U.N. human rights treaties.⁸⁶ *Treaty bodies monitor States’ laws, policies and practices, and under certain conditions, can hear cases pertaining to individuals.*

Treaty bodies (or the monitoring Committees) meet a few times a year, and issue Concluding Observations (sometimes also called Concluding Comments) that address specific situations in countries. In these, they make specific recommendations for actions States should undertake in order to be in compliance with the treaty in question. *Governments are supposed to abide by the findings of treaty bodies; recommendations are technically legally binding.* Women human rights defenders can use the treaty body process in several useful and strategic ways, including through

eliminating discrimination against women [the Convention on the Elimination of All Forms of Discrimination Against Women], special rapporteurs on violence against women and human rights defenders, and a Working Group on discrimination against women in law and practice. There are many other examples of the evolving standards and bodies within the U.N., including on issues of racial discrimination [The Convention on the Elimination of All Forms of Racial Discrimination], disabilities [Convention on the Rights of Persons with Disabilities], and on issues that some are reluctant to see as valid human rights concerns, including violence and discrimination based on sexual orientation and gender identity, rights to food, water and other economic rights, rights related to development, and concerns about human rights impacts of exploitative corporate policies.

⁸⁶ The Subcommittee on the Prevention of Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (SPT) is grounded in the analysis of the Convention Against Torture, as is the Committee Against Torture, but also focuses on the Optional Protocol to the Convention. The SPT has a “preventive mandate” and is also allowed to visit detention sites. See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

Treaty bodies

There are 10 human rights treaty bodies that monitor implementation of the core international human rights treaties :

- Human Rights Committee (CCPR)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on the Elimination of Discrimination against Women (CEDAW)

- Committee against Torture (CAT)
- Subcommittee on Prevention of Torture (SPT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearance (CED)

See <http://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx>

providing information to them and then using their recommendations to hold governments accountable on issues of great concern.

By choosing to engage with the treaty body systems, activists ensure that government perspectives are not the only ones presented in the State review process and that civil society's voice is heard about the realities of human rights situations, including those central to WHRDs' lives.

In recent years, U.N. treaty bodies have increasingly addressed topics directly connected to human rights defenders and challenges to advocacy. Some of the issues they address include protection of the rights to freedom of expression, assembly and association, movement, and the right to access international bodies. NGO documentation in the treaty body process can lay critical groundwork for Committee members making legally binding recommendations that require government action.

How to engage with treaty bodies

WHRDs can do any of the following:

- Learn when governments are to be reviewed by particular treaty bodies
- Submit written information prior to the examination of countries (this documentation is often called a "shadow report" because it works alongside the official government submission)
- Attend Committee meetings, which are generally held in Geneva, and deliver official "oral statements" during the sessions
- Hold private briefings with individual treaty body members and share information (also on site)

- Use the recommendations that treaty bodies issue or have issued in the past to campaign or to create actions calling for policy change
- Build ongoing relationships with treaty body members to help promote certain themes over time in the work of the Committee
- Utilize the "complaints procedures", which are closely related to the processes noted above.

Start here:

<http://www2.ohchr.org/english/bodies/treaty/index.htm> and

http://olddoc.ishr.ch/hrm/tmb/simple_guide_to_treaty_bodies.pdf.

Examples of treaty body recommendations related to women human rights defenders

COMMITTEE AGAINST TORTURE (CAT) COMMENTS ON NICARAGUA (2009)⁸⁷

The Committee notes with concern the information it has received on alleged cases of systematic harassment and death threats directed at human rights defenders, particularly female defenders of women's rights. The Committee also notes with concern the criminal investigations instituted against women defending reproductive rights... The Committee urges the State party to take the necessary measures to combat alleged cases of systematic harassment and death threats directed at human rights defenders in general and female defenders of women's rights in particular, to conduct impartial investigations and to duly punish the culprits.

HUMAN RIGHTS COMMITTEE (CCPR) COMMENTS ON IRAN (2011)⁸⁸

The Committee also notes in particular the large number of women's rights activists who have been arrested and detained, including volunteers and members of the One Million Signatures Campaign... [T]he state party should ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination, and release immediately and unconditionally anyone held solely for the peaceful exercise of this right, including students, teachers, human rights defenders (including women's rights activists), lawyers and trade unionists....

COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Comments on Bahrain (2014)⁸⁹

The Committee is particularly concerned, however, about allegations that, in the aftermath of the political events of February/March 2011, some women experienced ill-treatment and intimidation by law enforcement officials and dismissals, suspensions and downgrading of professional positions in the public and private sectors, in addition to various other forms of retribution for their civic engagement, including detention and revocation of nationality, and that a number of women remain in detention.

The Committee recommends that the State party: ... (b) Ensure that any sanctions against women who peacefully participated in or appeared to support the events since February 2011 are immediately discontinued and that women do not suffer the impact of their political affiliations and are immediately reinstated in the posts that they occupied and are compensated and rehabilitated; (c) Ensure that women activists are able to exercise their rights to freedom of expression and association and that the July 2013 revision of the EDAW/C/BHR/CO/3 8/14 14-00592 Law on the Protection of Society from Acts of Terrorism (2006) does not have a negative impact in this regard....

Comments on China (2014)⁹⁰

Take all measures necessary to protect women human rights defenders, including those who have provided information to the Committee, and take steps to ensure that in the future no travel restrictions are placed on individuals or human rights defenders who wish to observe the review of subsequent reports of the State party.

Review the national regulations governing the formation of NGOs to enable direct registration ... with a view to promoting the participation of women's rights organizations to complement the State party's efforts on women's empowerment and development....

Comments on Italy (2011)⁹¹

[The State party should] "establish transparent and regular consultations, both through formal and informal links with non-governmental organizations, in particular women's associations and women's human rights defenders, in order to promote a participatory and constructive dialogue with them in the pursuit of gender equality".

continued on next page

Comments on Pakistan (2013)⁹²

The Committee is concerned about the escalation of violent threats and attacks by non-State actors and military counter-operations in the State party ... and the negative impact of this situation on women and girls, who have consistently been the prime target of such threats and attacks. It is also concerned about the increasing number of targeted killings and attacks on women human rights defenders

[The State should] adopt comprehensive measures to ensure the safety and protection of women human rights defenders and mobilize adequate resources to address the specific risks and security needs of women's rights defenders and of all personnel working on women's rights and gender issues....

⁸⁷ (CAT/C/NIC/CO/1), Para. 18.

⁸⁸ CCPR/C/IRN/CO/3, Para. 26.

⁸⁹ (CEDAW/C/BHR/CO/3) Paras. 29 and 30.

⁹⁰ (CEDAW/C/CHN/CO/7-8), Para. 33 (a) and (c).

⁹¹ (CEDAW/C/ITA/CO/6), Para. 19 (c).

⁹² (CEDAW/C/PAK/CO/4) Paras. 13 and 14(e).

B. SPECIAL PROCEDURES

The U.N. system of “*special procedures*” is comprised of independent experts who serve as individual “*special rapporteurs*” or on bodies called “*working groups*”. The rapporteurs and working groups are comprised of people appointed through the U.N.’s Human Rights Council to report on abuses and advise on particular themes across regions, or on human rights conditions in specific countries.⁹³ Special procedures operate within the Office of the High Commissioner for Human Rights, under the Human Rights Council, to which they report annually; many report also to the General Assembly.⁹⁴

Rapporteurs conduct country visits, send “communications” to governments that express concerns about specific issues, and convene expert meetings about topics they will report on. They can address current cases

or longer term patterns, and they also help contribute to the development of international human rights standards. This is true for working groups, as well, which are composed of five members who are appointed based on region. These focus on specific themes, such as arbitrary detention and laws that discriminate against women. Generally, special procedures call governments to account for failures to respect, protect and fulfil human rights.

Special rapporteurs rely heavily on information sent to them by a variety of stakeholders; *NGO documentation is critical to their reporting about specific cases or patterns of abuse*. Some rapporteurs have pre-designed online surveys or questionnaires to assist with the documentation process. Rapporteurs are called upon to protect the confidentiality of those submitting information.

When rapporteurs receive information about human rights situations, they may then issue immediate calls for governments to intervene (called “urgent appeals” or “letters of allegation”). As noted above, special rapporteurs also issue detailed annual reports and present these to the Council and/or the General Assembly for government discussion. These reports can be very hard-hitting, and contain specific recommendations to governments. Individual rapporteurs are sometimes challenged by government representatives who disapprove of report findings.

After receiving information about a human rights situation, some rapporteurs may request meetings with NGOs while they are on country visits. Meetings with NGOs are sometimes in cross-sector consultations, which actually provide WHRDs who participate the

The Working Group on the issue of discrimination against women in law and practice released a very useful report on family and cultural life in 2015. The report can be found here:⁹⁵

<http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/FamilyAndCulturalLife.aspx>

⁹³ At the time of publishing, there are currently 41 thematic mandates and 14 country-based mandates.

⁹⁴ At the regional level, the Inter-American Commission (IACHR) and the African Commission also have special rapporteur systems.

⁹⁵ A/HRC/29/40

Some independent experts are verbally challenged in official sessions; they are sometimes accused of “exceeding their mandates” or not being impartial. These efforts to publicly challenge special procedures’ reputations are also clear attempts to punish defense of human rights and to stifle dissent.

opportunity to reach potential allies and to educate. In certain situations when greater levels of confidentiality are needed, rapporteurs may meet individually with activists. Some rapporteurs have met with women activists separately to help ensure their safety (i.e., when it is not safe for them to meet in broader coalition spaces).

The special procedures system in the U.N. may be more accessible to defenders, yet their recommendations are not legally binding. At the same time, treaty bodies may take into account the reporting and recom-

Submitting documentation to and otherwise engaging with special rapporteurs is a fairly simple way for WHRDs to bring information and their views into the U.N.’s human rights system. Ultimately, this can help create new human rights analysis and standards.

mendations of rapporteurs and build their own binding recommendations based on this information compiled over time. *Defenders may want to consider submitting similar documentation to treaty bodies and to special rapporteurs simultaneously.*

Since 2000, there has been an independent expert or special rapporteur on human rights defenders whose mandate is based on the International Declaration on Human Rights Defenders.⁹⁶ There have been three holders of this position. The reports of the special rapporteurs have increasingly taken gender and WHRD concerns into account. In fact, both original rappor-

⁹⁶ This position was initially established as a Special Representative. There have been three mandate holders: Hina Jilani (Pakistan), Margaret Sekaggya (Uganda), and Michel Forst (France). The full name of the declaration is the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

teurs created and advanced important analysis about women human rights defenders within the U.N. system. As a result of their boldness about gender and a number of other issues, they were publicly challenged by governments.

Women human rights defenders should not feel limited in making submissions of documentation only to rapporteurs who focus on defender issues. Many “mandate holders” (the specific rapporteurs on themes or countries) have begun to integrate the experiences of WHRDs into their reporting. The Special Rapporteurs on the rights to freedom of peaceful assembly and of association, on freedom of opinion and expression, on



Hina Jilani (top), a lawyer who founded the first women’s law firm in Pakistan, was appointed as the first U.N. Special Representative on Human Rights Defenders in 2000. Hina helped to found the WHRD International Coalition in 2004.

Margaret Sekaggya (bottom), a Ugandan lawyer and academic, became the Special Rapporteur on Human Rights Defenders in 2008. The WHRD-IC also worked closely with Margaret during her tenure.

Activists should consider submitting documentation about their experiences to special rapporteurs beyond those who focus primarily on defenders or freedom of assembly and association. By doing so, they can use documentation to help integrate a focus on WHRDs through the U.N. system.

violence against women, and the independent expert on cultural rights are four positions that have been quite receptive to concerns of and about WHRDs. But all special procedures are mandated to integrate a gender perspective into their research and reporting, so the priorities and documentation of and by WHRDs is particularly valuable—especially when there are discernible gaps in gender analysis or in addressing geopolitical contexts such as the rise in fundamentalisms, heteronormativity and patriarchy, globalization and neo-liberal policies, crises of governance and democracy and militarization.

The Special Rapporteurs on Human Rights Defenders have produced reports that put forth a strong feminist analysis about women human rights defenders.⁹⁷ These are only two examples of this work:

1. The 2011 report to the Human Rights Council has a specific focus on “Women human rights defenders and those working on women’s rights or gender issues” (A/HRC/16/44)

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-44.pdf>

2. The 2002 report to the Commission on Human Rights has a long section on women, which was the first elaboration on WHRDs in any U.N. document. (E/CN.4/2002/106, paras. 80-94)

How to engage with special procedures

WHRDs can do any of the following:

- Submit documentation directly to the special procedure(s) of the Office of the High Commissioner for Human Rights
- Meet with special rapporteurs or other independent experts when they conduct country visits, or request meetings directly (remember that official consultations are often in cross sector group gatherings but confidential and individual meetings can be requested.)

- Use the special procedures’ country based and thematic reports and recommendations in advocacy with governments, coalitions, media and in any other campaigning efforts.

Start here:

For more information on submitting documentation: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>

⁹⁷ The current Special Rapporteur has continued to focus on WHRDs. See for instance, his report A/69/259 at para. 48.

Examples of useful special rapporteur comments on WHRDS

The following examples comprise a small subset of the comments that some special procedures have made about experiences of WHRDs. The examples below show some of the breadth of Special Rapporteur concerns and recommendations.

In 2002, the Special Representative on Human Rights Defenders wrote:

[W]omen defenders may arouse more hostility than their male colleagues because as women human rights defenders they may defy cultural, religious or social norms about femininity and the role of women in a particular country or society. In this context, not only may they face human rights violations for their work as human rights defenders, but even more so because of their gender and the fact that their work may run counter to societal stereotypes about women's submissive nature, or challenge notions of the society about the status of women.⁹⁸

SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS

Comments on Armenia (2010)⁹⁹

Among the most vulnerable groups of human rights defenders in Armenia are those working of the rights of LGBT persons, women human rights defenders, NGOs working in remote areas and environmental activists.

Comments on Togo (2009)¹⁰⁰

The Special Rapporteur expresses her full support to the commendable work of women defenders in Togo, and raises serious concern about the series of challenges they face in their legitimate activities. She highlights that women defenders need specific and enhanced protection as well as targeted and deliberate efforts to make the environment in which they operate a safer, more enabling and accepting one.

THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN:

Comments on Russia (2006)¹⁰¹

[The state party should ensure] preventing and investigating any attacks on and reprisals against human rights defenders and supporting their work to document, monitor and report on human rights violations in the region

Comments on Algeria (2007)¹⁰²

[The State Party should] require the Minister Delegate for the Family and the Status of Women, the Minister of National Solidarity, the Director-General of National Security and other relevant authorities to hold periodic round-table meetings open to all women's rights organizations and other human rights groups to discuss any human rights challenges concerning women.

INDEPENDENT EXPERT ON CULTURAL RIGHTS (2012)¹⁰³

Issues of legitimacy are a concern of gender equality advocates and women's rights movements. Research indicates that women's empowerment initiatives derive legitimacy from accounts of history highlighting women's contributions and challenges to the status quo and religion, but equally State commitments to gender equality.

SPECIAL RAPPORTEUR ON FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION (2014)¹⁰⁴

Cultural notions, family obligations and perceived vulnerability should never be used as grounds on which to deny or limit the right of women to assembly.

continued on next page

⁹⁸ E/CN.4/2002/106, para. 91.

⁹⁹ A/HRC/16/44/Add.2, para. 60.

¹⁰⁰ A/HRC/10/12/Add.2, para. 73.

¹⁰¹ E/CN.4/2006/61/Add.2 (Sec. C).

¹⁰² A/HRC/7/6/Add.2, para. 101 (e).

¹⁰³ A/67/287, para. 67.

¹⁰⁴ A/HRC/26/29, para. 43.

Joint statement of the Working Group on Arbitrary Detention, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on human rights defenders and the Special Rapporteur on the rights to freedom of peaceful assembly and of association (2014)¹⁰⁵

All three [women] activists have been detained or sentenced purely for their criticism of government authorities. Such criticism is not only fully legitimate according to Bahrain's obligations under human rights law; it is also essential to the free and public debate necessary for a healthy civil society. We are extremely concerned about the ongoing harassment and criminalization of activists in Bahrain.

¹⁰⁵ "U.N. experts urge Bahrain to drop charges against women activists for government criticism", <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15460&LangID=E>. This case involves the ongoing persecution of human rights defenders generally, and specifically that of Maryam Al-Khawaja, the co-director of the Gulf Centre for Human Rights. Maryam and her sister, Zainab Al-Khawaja (who is also a women's rights and social media activist), along with Ghada Jamsheer (the head of the Women's Petition Committee, a group calling for reform of Bahrain's family laws) have been either facing or in detention as a result of their human rights advocacy.

C. THE UNIVERSAL PERIODIC REVIEW (UPR) OF THE U.N. HUMAN RIGHTS COUNCIL

The Universal Periodic Review (UPR) is another part of the U.N. human rights system that is grounded in monitoring States' human rights records. It is a State-driven, "peer review" process within the U.N. Human Rights Council: States monitor one another's human rights records and make recommendations to end violations. *As is true within any intergovernmental proceedings, governments don't like to be criticized publicly by other governments, so many take the UPR seriously in order not to be "shamed" in front of others. The UPR is very much influenced by governments' relationships with one another.*

The UPR is a fairly new monitoring system, as the Council itself was established only in 2006, to replace the U.N. Commission on Human Rights. Yet in a short time, the UPR has proven to be one of the easier mechanisms for activists to engage in—there are a number of times during a State's review process when human rights defenders can contribute, either in writing or through various forms of advocacy. Defenders play an important role in feeding critical human rights information into the process.

Close to twenty States are reviewed at each session of the Council. The basis of each review is a national report presented by the State, relevant information from other U.N. bodies on the State under review, and a summary report of submissions from other "stakeholders", including NGOs. The latter two items are summarised by the Office of the High Commissioner for Human Rights (OHCHR), which "oversees" the UPR process.

In terms of civil society contributions to the overall UPR process, WHRDs have made short official written submissions (stakeholder reports) to OHCHR since the inception of the UPR process.¹⁰⁶

WHRDs' documentation can make critical contributions to each component of the review: activists can work with their governments to help shape the official State reports; they can submit their own NGO documentation as an official submission to OHCHR; and, in a more circuitous process, they can engage with treaty body Committees, other special procedures and governments as they form their analyses and recommendations, which can then be used in subsequent UPR reviews.

The State under review is expected to hold inclusive and wide-ranging national consultations prior to preparation of the official national report. This offers a number of opportunities for improving dialogue between the State and human rights defenders, as well as among and within activist communities.

This consultation process creates potential opportunities for WHRDs both to be heard by their governments and to work in coalition with other groups. However, this isn't always the case—it mostly depends on how open government officials are to working with civil society in the process. But even when governments are hostile, at minimum, WHRDs can still use their documentation and analysis with OHCHR as "stakeholder submissions" and with other States.

¹⁰⁶ UPR submissions cannot be more than five pages in length for individual NGOs, or maximum ten pages if submitted by a coalition. There is no minimum length: sometimes NGO submissions are just a page or two.

Ultimately, the State is reviewed in an official Human Rights Council session. Three States are in the lead in directing this review and they oversee the production of an “outcome report” that contains a summary of the official session dialogue and recommendations for the State to implement. *These are not legally binding.* Each government has the opportunity to respond to (or ignore!) the recommendations during the official session, and these responses are also included in the official report. The State under review is expected to implement the recommendations contained in the report, which gives defenders further opportunities to demand action from their government to prevent and stop violations.

On an informal basis, WHRDs can work with governments other than their own to suggest a) questions for those governments to pose to the State being reviewed, and b) comments they can make in response to the State when it responds to recommendations in the official review session. WHRDs can also suggest strategic recommendations for use in the outcome report.

UPR recommendations provide WHRDs with additional advocacy tools to use to demand change. In addition, the UPR process creates a public record of State positions on various human rights issues—WHRDs can use this record in their media and policy work and in ongoing campaigning.

UPR and human rights defenders

The UPR has been useful in raising issues of critical concern to human rights defenders. Many of these issues have featured prominently in questions posed to the States under review, comments made by other States, and recommendations made.

*What defenders issues has the UPR addressed?*¹⁰⁷ Each of these is, of course, relevant to WHRDs:

- Implementation of the U.N. Declaration on Human Rights Defenders
- Need for public support for human rights defenders
- Protection of human rights defenders
- Rights of defenders to advocate in safety, including

¹⁰⁷ See UPR Info for more information about UPR processes and how the UPR has addressed concerns of human rights defenders http://www.upr-info.org/IMG/pdf/IA_Human_Rights_Defenders_FactSheet_S1-5.pdf.

CASE STUDY

In 2011, The Family Planning Association of Trinidad and Tobago, the Coalition Advocating for Inclusion of Sexual Orientation and the Sexual Rights Initiative joined in a coalition effort to submit a stakeholder report for the Universal Periodic Review of Trinidad and Tobago. The focus areas of the report included access to safe and legal abortion services, early marriage, criminalization of consensual sexual activity between adults, violence directed because of sexual orientation, gender expression and gender identity, and lack of attention to men who have sex with men (MSM) in HIV programmes. Their civil society coalition effort received positive attention in national media, and their advocacy helped secure meetings with and then commitments from the government to implement constructive recommendations on these issues.

- their rights to personal security as well as to the safety of their offices
- Rights related to freedom of peaceful assembly, association, expression, and opinion
- Need for national legislation to protect freedom of expression, assembly, association in line with international human rights standards
- Rights to organize and have civil society organizations be safe from intervention by governments, police and other actors
- Impunity for attacks against human rights defenders, and the need for investigation and prosecution for violence or harassment against them
- Need for effective national institutions, policies and national action plans for the protection of human rights defenders
- Misuse of counter-terrorism legislation to victimise human rights defenders
- Requests for visits by the Special Rapporteur on human rights defenders and/or other special procedures in relation to human rights defenders
- Need for follow-up to recommendations made by other U.N. bodies, such as the treaty bodies or special procedures on human rights defenders

How to engage in the Universal Periodic Review

1. Find out when your country is to be reviewed in the UPR process, and make written short submissions (either on your own or in coalitions) to the Office of the High Commissioner for Human Rights
2. If possible, work collaboratively with your own government to call attention to specific human rights concerns for its own official State report
3. Work with other States to name the concerns you want their support for as they challenge other governments in the UPR process
4. Use the recommendations from the official final UPR report for further campaigning, and to demand change.

Start here:

- OHCHR: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx> and
- <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>
- UPR-INFO.ORG: www.upr-info.org (See, in particular, the guide for NGO submissions, as well as the advocacy fact sheets)
- International Planned Parenthood and Sexual Rights Initiative: Sexual Rights and the Universal Periodic Review: A Toolkit for Advocates http://issuu.com/ippfresources/docs/universalperiodicreview_toolkit_2012/1?e=0
- Sexual Rights Initiative: UPR Sexual Rights Database <http://sexualrightsinitiative.com/universal-periodic-review/data/>

D. AT OTHER UNITED NATIONS SITES

Women human rights defenders fight for justice in other U.N. spaces, as well. For instance, in December of 2013, the U.N. General Assembly adopted the very first resolution on Women Human Rights Defenders. The landmark resolution calls on governments to create “enabling environments” for all WHRDs, and for protection mechanisms to prevent or address violations. Its adoption was by no means smooth. After months of work to develop the strongest and most comprehensive content on WHRDs, some ideas were lost in final stages of government negotiation due to interventions of conservative governments and the Holy See.¹⁰⁸ These included some references to sexual and reproductive rights. Nonetheless, the adoption of the resolution marks an important milestone in the landscape of United Nations advocacy in defense of women human rights defenders and shows how rights

concepts related to gender continually evolve in inter-governmental spaces.

Over the last few years, activists have advocated for references to WHRDs in the final negotiated documents of the U.N. Commission on the Status of Women and the Commission on Population and Development, both annual processes within the U.N. in New York.

The 2013 General Assembly resolution on women human rights defenders can be found here:

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181

In 2013, for the first time, the CSW’s “Agreed Conclusions” included language on WHRDs, and called on States to:

Support and protect those who are committed to eliminating violence against women, including women human rights defenders in this regard, who face particular risks of violence.¹⁰⁹

¹⁰⁸ The Holy See is the only religious body to have “permanent observer status” within the U.N. system, which allows it in many ways to function as a state entity in government discussions and negotiations. For more information about the Holy See’s presence within the U.N. system, see Center for Reproductive Rights, *The Holy See at the United Nations: An Obstacle to Women’s Reproductive Health and Rights*, at http://www.reproductiverights.org/sites/default/files/documents/pub_bp_holyseeattheun.pdf

¹⁰⁹ E/CN.6/2013/11, (A)z

In 2014, the CSW’s “Agreed Conclusions” included language calling on States to:

*Acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development and take appropriate, robust and practical steps to protect them.*¹¹⁰

In 2015, although the term “women human rights defenders” was not explicitly used, governments welcomed:

...the contributions made by civil society, including non-governmental organizations and women’s and community-based organizations to the implementation of the Platform for Action, [and pledged to] continue supporting...civil society engaged in the advancement and promotion of gender equality and the empowerment of women and girls, including by promoting a safe and enabling environment for civil society. See 2015 Commission on the Status of Women’s Political Declaration, E/CN.6/2015/L.1, para 10.

WHRDs play a critical role in these processes, as we often work with ally governments to provide ideas about the best permutations of language for drafts to be used in State deliberations. We provide background information and analysis, as well as talking points and documented case material so government delegates can argue for the most meaningful references to WHRDs to be included in the final agreed documents.

3. At regional human rights bodies

Regional systems are a bit of a hybrid between the domestic and the global. Advocacy at this level can address individual cases (similar to a national court), have direct impact on national governments, and immediately reinforce domestic-level WHRD advocacy. At the same time, regional systems are also sites where governments interact with and pressure one another, where State accountability is a central goal, and where the pace of advocacy and decision-making can be slow.

Regional courts and regional monitoring commissions have functions similar to those of the U.N. global mechanisms. However, in most situations, the violations addressed must take into account national laws

and regional human rights instruments. Women human rights defenders are increasingly bringing our own narratives and experiences to these regional systems to seek justice and accountability. *Documenting human rights violations and making this information available remains critical in terms of exposing violations and creating advances in interpretations of human rights standards at the regional level.* It is also true that advances at the regional level create impact on the global level, thereby making this advocacy and the information it rests on even more impactful.¹¹¹

In Africa, the Americas and in Europe there are intricate human rights institutions, based in international law, that address violations of human rights.¹¹² In each of these regions, there is a Court system and a Commission that generally monitors and comments on human rights situations. These are generally accessed after national systems fail to provide proper redress, and after all possibilities of domestic remedy have been used. There are also systems of independent experts (or forms of special procedures) in each.

The following sections give an overview of these advocacy sites and their relevance for WHRD attention. Each is a space where gender-sensitive human rights analysis must be created and strengthened. WHRDs’ documentation—and documentation of WHRDs’ experience—can help lay the foundation for these advances.

A. THE AFRICAN HUMAN RIGHTS SYSTEM

The African human rights system consists of the African Commission on Human and Peoples’ Rights

¹¹¹ Overall, there is a synergy between national, U.N. and regional levels, with decisions in each potentially impacting decisions in others.

¹¹² Currently, there is no fully functional Asian human rights system, per se, although the ASEAN region is in a process toward developing one. The ASEAN Intergovernmental Human Rights Commission approved a draft Human Rights Declaration in 2012. In the absence of an established regional body, WHRDs in this region often go directly to the U.N. system. Civil society organizing toward the creation of a regional system has been vibrant. In terms of the Middle East/North Africa (MENA) region, although the Arab League has existed since 1945, there have been recent related developments in the region, including the Arab Charter on Human Rights and the Arab League’s Arab Human Rights Committee (or the Committee on the Charter). Under the Committee, States are reviewed and recommendations are made to enhance compliance with the Charter. However, human rights defenders have expressed concerns about weak commitments to human rights and international law throughout these bodies, as well as a lack of transparency and weak engagement with civil society. There is no system in place for individuals—including WHRDs—to challenge States when violations take place. In this region, women human rights defenders can revert to the U.N. system as necessary, given the lack of recognition and protections afforded by the regional bodies.

¹¹⁰ E/CN.6/2014/L.7, (A)f

and the African Court of Human and People’s Rights. The Court was set up to strengthen compliance of African Union States their obligations under the African Charter on Human and Peoples’ Rights. The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (sometimes called the Maputo Protocol) is particularly significant in terms of WHRDs, as it uses the African Charter to delineate a series of gender-related human rights concerns. The African Commission created a special rapporteur on human rights defenders in 2004 and it also has a special rapporteur on the rights of women, which was established in 1998.¹¹³

The African Court

Actions can be brought before the Court on the basis of any human rights instruments that the State in question has ratified, including international human rights treaties. Unlike in other regional human rights courts, this innovation is beneficial to women human rights defenders as it broadens the sources of law under this jurisdiction beyond the African Charter. As a result, the Court can potentially provide women human rights defenders additional avenues for redress. The Court is accessible to both governments and its citizens, with some restrictions. The African Commission, States, NGOs with “observer status” and in some situations, individuals, can bring cases before the Court when certain criteria are met, including if governments make a declaration accepting the jurisdiction of the Court to hear these cases. African NGOs, including WHRD groups recognised by the African Union, can also ask for advisory opinions before the Court. *Decisions of the Court are legally binding*. As is the case in all legal contexts, documentation plays a foundational role in these proceedings.

The African Commission

The African Commission is a group of eleven independent members that promotes and protects human and peoples’ rights across Africa, interprets the African Charter, and considers individual complaints of violations of the Charter. The Commission’s tasks are to consider periodic reports of States on legislative and

The African Commission has been the site of a number of progressive feminist advances in recent years, primarily due to the long term advocacy—and analysis and documentation—of WHRDs and activists in ally movements.

- In 2014, the African Commission’s Special Rapporteur on the situation of human rights defenders in Africa issued the AC’s first ever report on the situation of WHRDs. This report was created with the specific input (including documentation and analysis) of a number of WHRD-IC members as well as of other NGOs; several of these groups had worked to create an AC resolution in 2012 calling for the report.¹¹⁴
- In the years previous to the release of that report, WHRDs worked closely with the Rapporteur as well as the U.N. Special Rapporteur on Human Rights Defenders to make demands of the Commission and the U.N. Human Rights Council to address the experiences and concerns of WHRDs.
- In 2014, the Commission approved a ground-breaking resolution on sexual orientation and gender identity. This hard-fought victory was the result of long-term strategic work and tenacity of activists and ally Commissioners.¹¹⁵

other efforts to guarantee the rights under the African Charter, to prepare cases for submission to the Court, and to collect documents, undertake studies and organise seminars and conferences on African concerns in the field of human and people’s rights.

- **Reports:** At its meetings, the Commission reviews the reports that each State is required to present every two years regarding the implementation of the rights and freedoms contained in the African Charter. The Commission has issued recommendations to States found to be in violation of the Charter.
- **“Communications”:** After local remedies have been used, or after a significant delay in process, the

¹¹³ For more information on the Special Rapporteur on Human Rights Defenders see <http://www.achpr.org/mechanisms/human-rights-defenders/>

¹¹⁴ The Special Rapporteur’s WHRD report is available here: <http://www.achpr.org/mechanisms/human-rights-defenders/Study-Women-HR-Defenders/>

¹¹⁵ The “Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation and Gender Identity” is available here: <http://www.achpr.org/sessions/55th/resolutions/275/>

Commission can hear cases regarding State violations under the Charter. The Commission can receive information (sometimes called “communications”) from individuals, groups and States about human rights concerns that have allegedly taken place in a member State. There are specific criteria which must be met and when these are, the Commission can assess the case, deliberate and challenge the actions of the State in question.¹¹⁶ These communications are a specific and critical form of documentation.

- **Special Mechanisms:** The Commission has a system of mechanisms that includes rapporteurs, working groups, Committees and a study group that monitor and investigate human rights concerns. The Special Rapporteurs can create urgent appeals, conduct country visits, and meet with NGOs and individuals. In addition to the previously noted Rapporteurs on defenders and on women in Africa, there are other special procedures that address a series of issues of importance to WHRDs.



Reine Alapini-Gansou, Special Rapporteur on Human Rights Defenders in Africa.

B. THE EUROPEAN HUMAN RIGHTS SYSTEM

The European human rights system exists alongside a number of European bodies, some of which have specific commitments to addressing human rights defenders. This system is based on the European Convention for the Protection of Human Rights and Fundamental Freedoms (the “European Convention”). The monitoring of the Convention is entrusted to the European Court of Human Rights. The main vehicle for protection of human rights defenders under the European human rights system is the EU Guidelines on Human Rights Defenders, which was adopted by the Council of the European Union (EU) in 2004.¹¹⁷ The Guidelines sets out the EU’s roles and aspirations for working with human rights defenders and addresses practical means of assisting those at risk.

The European Court of human rights

The European Court can hear cases brought forward by States, NGOs or individuals after certain criteria are met, including falling within a timeframe of within six months from the date of judgment of the highest domestic court. The Court can issue advisory opinions through its Committee of Ministers and can issue emergency protective orders in the face of serious threat.

Other European bodies

- **The Organization for Security and Cooperation in Europe (OSCE)**, which focuses on security issues in addition to human rights, created a Focal Point for Human Rights Defenders and National Human Rights Institutions in 2007. It also published the comprehensive Guidelines on the Protection of Human Rights Defenders in 2014.¹¹⁸
- **The European Committee of Social Rights** monitors compliance of the Council of Europe members

The OSCE Guidelines on the Protection of Human Rights Defenders states:

Action to protect human rights defenders should be underpinned by comprehensive anti-discrimination laws and policies that offer effective legal and other protection against discrimination, including to those who experience multiple or intersectional discrimination. Measures to strengthen the protection of human rights defenders and create a safe and enabling environment should be reflective of the specific needs of human rights defenders who face discrimination. In particular, every activity to strengthen the protection of human rights defenders should be examined for the different impact it may have depending on gender, and for its unintended impact in reinforcing stereotypes and patterns of exclusion.¹¹⁹

¹¹⁶ For more information about this process, see <http://www.achpr.org/communications/procedure/>

¹¹⁷ The EU Guidelines was revised in 2008 and is available here <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re02.en08.pdf>

¹¹⁸ The Guidelines publication is available here <http://www.osce.org/odihr/119633?download=true>

¹¹⁹ Ibid, paras. 43 and 44.

*The European Instrument for Democracy and Human Rights (EIDHR)
has an emergency fund for human rights defenders.*

<http://www.eidhr.eu/side-panels/human-rights-defenders/small-grants>

CASE STUDY

In 2012, the “EU Missions” (which is the name used to imply EU Member State embassies and EU delegations) sent representatives to Cambodia to observe a trial of 13 WHRDs who had been imprisoned because of their roles in peacefully protesting forced evictions of the Boeung Kak Lake Community. Lawyers for the WHRDs had been denied the ability to prepare a viable defense. Various organizations wrote to EU officials and other embassies asking for the presence of observers with the assumption that this could help the outcome of the Appeal Court process; they noted “strong international pressure and interest in the case will improve the women’s chances of receiving a fair trial”. On the day of the trial, with external observers present, the Court suspended the remaining prison term of the activists and ordered their release. Some activists believe that the presence of the international observers helped to secure this victory.¹²⁰



PHOTO: FRONT LINE DEFENDERS

Cambodian WHRDs celebrate their court victory, June 2012.

with the European Social Charter. States submit periodic reports, which are reviewed by the Committee, which can also decide complaint cases.

C. THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

The Inter-American human rights system works in conjunction with the Organization of American States (OAS). It is responsible for monitoring and ensuring implementation of human rights in the countries that are members of the OAS. Its main bodies are the Inter-American Court on Human Rights and the Inter-American Commission on Human Rights.

The Commission created a Unit on human rights defenders in 2001; in 2011 this became the Office of the Rapporteur on the Situation of Human Rights Defenders. The Commission also has a Rapporteurship on the Rights of Women and a Rapporteurship on the Rights of Lesbian, Gay, Trans, Bisexual and Intersex Persons, the first special procedure of any international body on those topics.¹²¹

The Inter-American Court of Human Rights

The Inter-American Court is the judicial body of the Inter-American system. It hears cases that are referred by the Commission, if the Commission has failed to resolve the issue in its own deliberations. The Court has been and can continue to be used to obtain legal remedy for violations against women human rights defenders and women, generally. *Decisions of the Court are binding and the States concerned are obliged to comply with them.*

The Inter-American Commission

The Inter-American Commission is an autonomous body of the Organization of American States (OAS). Its mandate is to investigate abuses and promote the defence of human rights. To implement its mandate, the Commission carries out several activities, including

¹²⁰ For more about this story, see Witness at <http://www3.witness.org/content/request-observers-be-sent-appeal-trial-boeung-kak-lake-human-rights-defenders> and Front Line Defenders <https://www.frontlinedefenders.org/node/18800>

¹²¹ For more information on these human rights systems see http://www.oas.org/en/topics/human_rights.asp and <http://www.ijrcenter.org/regional/inter-american-system/>

CASE STUDY



PHOTO: KENA LORENZINI

Karen Atala is a Chilean judge who challenged that government when a 2003 local court ruling awarded custody of her three daughters to their father, who had brought a claim based on Atala's sexual orientation. He had argued that Atala being a lesbian put the health and development of the children at risk. After losing a number of domestic court challenges, including at the Chilean Supreme Court in 2004, Atala pursued her case at the Inter-American Court of Human Rights. In 2012, in a high profile and precedent-setting decision, Atala won her case and was awarded custody as well as financial reparations in the first LGBT case of the IACHR.¹²² Since that time, Chile has reformed many of its laws regarding sexual orientation.

requesting precautionary measures to protect individuals at risk, conducting studies, publishing reports and monitoring human rights themes or violations against specific communities.

- **Country visits and reports:** The Commission issues annual, thematic and country reports. On the latter, it can carry out onsite visits to monitor the general human rights situation in a country or to investigate specific concerns. Women human rights

defenders can contribute background information to these investigations. Following a country visit, the Commission publishes its report that identifies the most relevant human rights problems and includes recommendations to address them. Recently, the Commission started including in its country reports a specific section on the situation of human rights defenders. Women human rights defenders can also use this mechanism by supplying information to and subsequently lobbying the Commission to conduct a country visit and include a focus on women human rights defenders in the final report.

- **Petitions and Individual cases.** The Commission can receive and investigate “petitions” alleging human rights violations of any of the rights protected in the American Convention on Human Rights or the American Declaration of the Rights and Duties of Man. These can be submitted by individuals, groups of individuals and NGOs recognized in any OAS Member State. The petitions are assessed through a process that includes a report with recommendations. The Commission can decide to refer cases to the Inter-American Court, which provides additional advocacy opportunities for defenders, as noted above.
- **Thematic hearings.** The Commission holds regular sessions twice a year during which there are hearings on individual cases and thematic concerns. The number and themes of the hearings are decided by the Commission, but it is possible for NGOs to lobby for attention to certain topics.
- **Special mechanisms:** The Commission has a system of special mechanisms that include thematic and country rapporteurs, and Units. This system utilizes information and documentation received from various sources to assess how different groups of people or different rights are being protected in OAS Member States. Rapporteurs conduct country visits, issue reports with recommendations and otherwise advise the Commission about specific petitions and cases. The Rapporteurship on Human Rights Defenders was recently created to replace the Unit on Human Rights Defenders.¹²³

¹²² For detailed information, see the IACHR / OAS 2010 case application at <https://www.cidh.oas.org/demandas/12.502ENG.pdf>

¹²³ For more information on the Rapporteurship see <http://oas.org/en/iachr/defenders/default.asp>

Women human rights defenders have many opportunities to work at domestic and intergovernmental levels to make social justice demands. Documentation is only one part of transforming these systems, but it is often foundational. Whether at the national, regional or U.N. levels—or at all of them—WHRDs need to be present and to contribute analysis, ideas and experiences in order to win our demands, and gain the security, protection, accountability and justice we seek.

CHAPTER 6:

Digital Security: Protecting ourselves and our documentation

Many WHRDs rely on using the internet and information and communications technologies (ICTs) to share important information about cases and strategies and other sensitive information. We email many details of our work, we publicize our advocacy actions, we share insights about our ideas and we make specific demands from governments and those with religious or political power. We use various forms of social media, from publicizing meeting information on Facebook, to sending updates on court cases from our mobile phones on Twitter, to sharing campaigning photos on Instagram.

Government surveillance (along with that of other authorities) has moved into the cybersphere with great sophistication. It is therefore vital for activists to know how to protect ourselves against threats to the information we collect and use. Our documentation, whether it sits in our desks, in our phones, in computer files or on websites must remain as secure as possible in order to protect those who are at physical, psychological and professional risk.¹²⁴

Examples of concerns include:

- Office break-ins
- Confiscation of computers, phones and other equipment
- Exposure of lists of members of organizations, including their names and contact information
- Harassment, cyberstalking and image manipulation
- Hacking of email accounts and websites
- Identity theft

Risks to digital security can also be directly linked to risks to physical security. Those who launch attacks

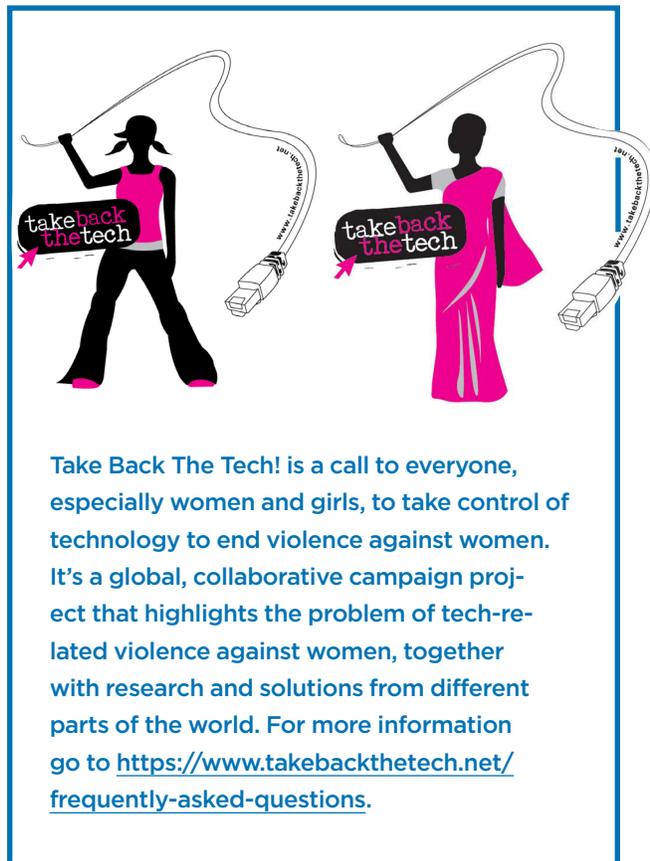
might be looking for specific information, or they may “simply” be trying to intimidate individual defenders or their organizations.

In our offices and in our homes, the information we create, store and use for documentation purposes can be of great value not only to us, but also to those who seek to curtail our work.

According to a 2013 global survey conducted by the Association for Progressive Communications concerning WHRDs working on sexual and reproductive rights and health, LGBT issues, access to safe abortion, sexual violence and sexuality education:

About half (51%) of the sexual rights activists, advocates, scholars and policy makers who filled out the survey had at some point received violent messages, threats or [offensive comments] while working online.

¹²⁴ See Annex for additional resources on digital security.



About one third of the sample mentioned intimidation (34%), blocking and filtering (33%) or censorship (29%).¹²⁵

There are a number of good resources for WHRDs to use to strengthen online security and to protect our documentation and other information. A good place to start is by doing what is called a “Threat Modeling” process. The Electronic Frontier Foundation claims:

There is no single solution for keeping yourself safe online. Digital security isn't about which tools you use; rather, it's about understanding the threats you face and how you can counter those threats.

*To become more secure, you must determine what you need to protect, and from whom you need to protect it. Threats can change depending on where you're located, what you're doing, and with whom you're working. Therefore, in order to determine what solutions will be best for you, you should conduct a threat modeling assessment.*¹²⁶

There are 5 questions you should ask¹²⁷

1. What do you want to protect?

Write down a list of data that you keep, where it's kept, who has access to it, and what stops others from accessing it.

2. Who do you want to protect it from?

Make a list of who might want to get ahold of your data or communications. It might be an individual, a government agency or a corporation.

3. How likely is it that you will need to protect it?

Write down what your adversary might want to do with your private data.

4. How bad are the consequences if you fail?

Do a risk assessment and strategize so you can be prepared for those consequences.

5. How much trouble are you willing to go through in order to try to prevent those consequences?

Consider what resources (human and financial) you have, or your organization has, to invest to protect against these risks and consequences.

Documentation material ought to be kept securely and copied as necessary. If you send material to organizations, government representatives or U.N. officials, keep copies and records on having sent particular content. Consider keeping original or copied material in places that may be safer than in your home or office particularly if you feel at risk.

¹²⁵ GenderIT.org, Survey on sexual activism, morality and the internet, available at <http://www.genderit.org/articles/survey-sexual-activism-morality-and-internet>; AWID, Our Right to Safety: Women Human Rights Defenders' Holistic Approach to Protection; p. 21; and Security in a Box's Digital Threats to the LGBTI Community at <https://securityinbox.org/en/lgbti-africa/digital-threats-african-lgbti-community>

¹²⁶ Surveillance Self-Defence; <https://ssd.eff.org/en/module/introduction-threat-modeling>

¹²⁷ Modified from Surveillance Self-Defence, Ibid.

CASE STUDIES: THREATS TO INFORMATION, WEBSITES AND OFFICES

In March 2015, the website of the Women Human Rights Defenders International Coalition (WHRD-IC) was hacked.

The website was replaced with a black screen that included threatening text denouncing human rights activism. The hacking was not just a defacement, as some files were also destroyed and malicious code was installed (this is computer program code which is intended to damage the operating system and contents). The WHRD-IC had to deactivate the website until the malicious code could be removed and the website re-uploaded. The WHRD-IC worked to fix this problem with activists who understand technology and digital safety. While the WHRD-IC was able to fix the problems within a few days, most organizations do not have immediate resources to access immediate solutions. Those investigating the cyber-attack learned that the problem originated from a group operating out of Algeria that has a history of targeting human rights organisations.

In Zimbabwe, in 2012, police raided the office of Gays and Lesbians of Zimbabwe, where they remained for six hours.

Subsequent to that break in, during which computers and other office equipment was confiscated, 44 members and colleagues were subjected to detention, beating and ill-treatment by police.¹²⁸ The raid occurred just after GALZ released a report on human rights violations and a briefing on the draft constitution.

In 2014, police stormed a GALZ training workshop on digital story-telling and digital security and arrested the youth coordinator and the training facilitator. GALZ activists have asserted that the government has persistently monitored and harassed the organization for years. They also note that there have been significant delays in cases brought to challenge the government and police.¹²⁹



¹²⁸ A/HRC/29/23, para. 35.

¹²⁹ “ZLHR Condemns GALZ raids and state sponsored homophobia against LGBTs”; <http://www.thezimbabwean.co/2012/08/zlhr-condemns-galz-raids-and/>

CONCLUSION

This report rests in a simple set of ideas: Women human rights defenders engage in creative and strategic acts of resistance every day, around the world. We fight for what is fair, right and just, often at great risk. Gender affects women human rights defenders, our activism, the challenges we face and our sharing of the narratives of our experiences. No contexts of abuses or resistance are “genderless”, anywhere.

Most people who—or systems that—document human rights violations do not adequately capture the nuances that are most particular to women human rights defenders. Our experiences are too often not taken seriously or are flattened into a monolithic defender analysis that only tells part of the relevant stories.

For documentation about WHRDs’ lives and work to be rich and accurate, it must take into account contexts of gender (in)justice. It cannot be “fact based” without attention to the social, political, legal and economic environments in which we live. Women human rights defenders have important stories to tell—whether about the challenges we face or what we choose to do about them. Our analysis is important. And worth sharing.

Our narratives of celebration and creativity are as important as those of obstacles and opposition. We must collectively impart our stories of success, of strategic vision and of constructive collaboration. The activism of women human rights defenders is critical to the success of any social justice movement. These include the movements that focus on breaking through global systems of gender oppression. But our work and energy are everywhere, and we will continue to make smart decisions about the best ways to direct our advocacy.

This report seeks to make these arguments and to take analysis about documentation a few steps further than where it existed when we started this project. Each chapter rests on the good work, and smart input, from many people, and from decades (or centuries) of women human rights defenders pushing back at

oppressive circumstances. We encourage readers to adapt chapters so they’re most useful in their own contexts. The guiding questions are likely useful in sparking discussion and in helping to encourage and shape actual documentation.

In the few years it has taken to produce *Gendering Documentation: A Manual For and About Women Human Rights Defenders*, situations facing WHRDs have both stayed the same and also changed: WHRDs are still targeted for violations and we still resist in creative and strategic ways. But, in recent years, the language of the universe of “defense of human rights” has shifted. Even the use of the term “women human rights defenders” or the acronym WHRD has become more widespread. But the need to document—sensitively and wisely—remains, both for us, and for more mainstream human rights, women’s and other groups.

The Women Human Rights Defenders International Coalition and its members know that this WHRD landscape will continue to evolve. We encourage activists and WHRDs to create and use good documentation to help make those changes take place. We see solid, nuanced, gender-responsive and gender-sensitive documentation as a critical tool in making demands for social justice. We see it as making a difference in individual people’s lives, as well as in the movements of which we are a part. And we know that we must both create this kind of documentation but also encourage it from others. The exploration within this manual is intended to support exactly those outcomes, in empowering, sensitive and strategic ways.



PHOTO: 2013 JOHN MURPHY/AURORA PA. COURTESY OF NOBEL WOMEN'S INITIATIVE

L-R: Nobel Peace Laureates: Leymah Gbowee (Liberia), Mairead Maguire (Northern Ireland), Shirin Ebadi (Iran), Jody Williams (USA), Tawakkol Karman (Yemen), Rigoberta Menchú Tum (Guatemala).

ANNEX

Resources on and for Women Human Rights Defenders

Publications of the Women Human Rights Defenders International Coalition (WHRD-IC)

Gendering Documentation: A Manual For and About Women Human Rights Defenders (2015)

<http://defendingwomen-defendingrights.org>

Global Report on the Situation of Women Human Rights Defenders (with the Asian Forum for Human Rights and Development) (2012)

http://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf

Claiming Rights Claiming Justice: A Guidebook on Women Human Rights Defenders (with Asia Pacific Forum on Women, Law and Development) (2007)

<http://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/book3NeoWithCovereng.pdf>

International Consultation on Women Human Rights Defenders: Resource Book and Evaluation Report (2005)

<http://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD-Evaluation-Report.pdf>

Publications of the Women Human Rights Defenders International Coalition and members (a selected list of reports on WHRDS co-published by the WHRD-IC)

ASSOCIATION OF WOMEN'S RIGHTS IN DEVELOPMENT (AWID) AND THE WHRD INTERNATIONAL COALITION

Our Right to Safety: Women Human Rights Defenders' Holistic Approach to Protection (2014)

I. Barcia: http://issuu.com/awid/docs/our_right_to_safety_final

Ten Insights to Strengthen Responses for Women Human Rights Defenders at Risk, I. Barcia and A. Penchaszadeh (2012)

<http://www.awid.org/publications/ten-insights-strengthen-responses-women-human-rights-defenders-risk>

Urgent Responses for Women Human Rights Defenders at Risk: Mapping and Preliminary Assessment (2011)

<http://urgent-responses.awid.org/>

List of Materials and Resources for Women Human Rights Defenders (2010)

http://www.awid.org/sites/default/files/atoms/files/list_of_resources_for_whrds.pdf

CENTER FOR WOMEN'S GLOBAL LEADERSHIP (CWGL) AND THE WHRD INTERNATIONAL COALITION

Addressing Gaps in the Defense of Women Human Rights Defenders: A Report on the Strategic Conversation (2009-11)

<http://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/Addressing-Gaps-in-the-Defense-of-WHRD-Report-2011.pdf>

United Nations Resources on Women Human Rights Defenders

The following is a short list of the main, and groundbreaking, U.N. documents and resources related to WHRDs.

The Special Rapporteur on Human Rights Defenders' 2011 report to the Human Rights Council has a specific focus on "Women human rights defenders and those working on women's rights or gender issues" (A/HRC/16/44)

http://www.un.org/ga/search/viewm_doc.asp?symbol=A/HRC/16/44

The 2002 Special Representative on Human Rights Defenders' report to the Commission on Human Rights has a long section on women, which was the first elaboration on WHRDs in any U.N. document. (E/CN.4/2002/106, see paras. 80-94)

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/111/22/PDF/G0211122.pdf?OpenElement>

The 2013 U.N. General Assembly resolution on women human rights defenders

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181

Office of the High Commissioner for Human Rights (OHCHR) Fact Sheet on Women Human Rights Defenders

<http://www.ohchr.org/Documents/Events/WHRD/OnePagerWHRD.pdf>

and Information Series on Sexual and Reproductive Health and Rights: WHRDs

http://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_WHRD_WEB.pdf

Resources of Other Members of the Women Human Rights Defender International Coalition

A selected list of members' publications, training materials or other resources related to defenders

Amnesty International: Toolkit: My body, My Rights

<http://www.amnestyusa.org/pdfs/MBMRtoolkit.pdf>

Association For Progressive Communications (APC) Erotics: Exploratory research on sexuality and the internet, J. Sm Kee (2011)

<https://www.apc.org/en/pubs/issue/erotics-exploratory-research-sexuality-and-internet>

Association for Progressive Communications (APC) Women's Rights Programme

<http://www.apc.org/en/about/programmes/womens-networking-support-programme-apc-wnsip>

BAOBAB for Women's Human Rights

<http://www.defendingwomen-defendingrights.org/about/members/baobab-for-womens-human-rights/>

Center for Reproductive Rights: A Communication to the U.N. Special Rapporteurs Regarding the Risks and Vulnerabilities Facing Reproductive Healthcare Providers in the United States (2009)

http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/CRR_Communication%20_01-27-09.pdf

Coalition of African Lesbians: Guide to Organizing in Hostile Contexts

http://www.cal.org.za/new/?page_id=68

Frida, The Young Feminist Fund: Our Voices Storytelling

<http://youngfeministfund.org/category/storytelling/>

Front Line Defenders: Protection Manual for Human Rights Defenders

<https://www.frontlinedefenders.org/manuals/protection>

Human Rights First

<http://www.humanrightsfirst.org/topics/human-rights-defenders>

Information Human Rights Documentation Centre (INFORM)

<https://ihrdc.wordpress.com/about/>

International Federation For Human Rights (FIDH)

<https://www.fidh.org/en/issues/human-rights-defenders/>

International Service For Human Rights: Reprisals Handbook

http://www.ishr.ch/sites/default/files/article/files/ishr_handbook_web_0.pdf

International Women's Rights Action Watch-Asia Pacific

<http://www.iwraw-ap.org/>

ISIS International: Women in Action: Multiple Intolerance, Mounting Resistance (2009)

http://www.isiswomen.org/index.php?option=com_content&view=article&id=1397

ISIS Women's International Cross-Cultural Exchange (ISIS WICCE): Gendering Post Conflict Resolution: Overcoming Hurdles to Effective Community Participation (2013)

<http://isis.or.ug/content/gendering-post-conflict-reconstruction-overcoming-huddles-effective-community-participation>

Just Associates (JASS): Women Crossing the Line

<https://www.justassociates.org/en/women-crossing-the-line>

and Feminist Movement Builder's Dictionary (2013)

<https://www.justassociates.org/sites/justassociates.org/files/feminist-movement-builders-dictionary-jass.pdf>

Latin American And Caribbean Committee For The Defense Of Women's Rights (CLADEM):

Key Issues for Training

<http://www.cladem.org/en/our-programs/formation/key-issues-for-training>

MADRE: Report on Inadequate Efforts to Investigate and Prevent Threats and Violence Against the Women Human Rights Defenders at KOFAVIV (Haiti) (2014)

http://www.madre.org/uploads/misc/1404831823_MVA%20HRC%20Submission%20ENG%20FINAL%207_8_2014.compressed.pdf

Nazra for Feminist Studies: Founding Statement of the Coalition of Women Human Rights Defenders in the Middle East and North Africa (2015)

<http://nazra.org/en/2015/03/founding-statement-coalition-women-human-rights-defenders-middle-east-and-north-africa>

Nobel Women's Initiative

<http://www.nobelwomensinitiative.org>

Peace Brigades International: Women Human Rights Defenders: Empowering and Protecting the Change Makers (2012)

http://www.peacebrigades.org.uk/fileadmin/user_files/groups/uk/files/Publications/Women_Human_Rights_Defenders_report_2013_final.pdf

Rainbow Rights Project

http://rainbowrights.org/index.php?option=com_content&view=category&layout=blog&id=43&Itemid=203

Urgent Action Fund: What's the Point of Revolution if We Can't Dance, J. Barry, J. Dordevic (2007)

<http://urgentactionfund.org/wp-content/uploads/downloads/2012/06/WTPR-Final-Book.pdf>

Women Living Under Muslim Laws: Documenting Women's Rights Violations by Non-State Actors: Activist Strategies from Muslim Communities, J. Bauer and A. Hélie (2006)

<http://www.wluml.org/node/519>

Women's Global Network for Reproductive Rights

<http://wgnrr.org/>

Society For Appraisal & Women Empowerment In Rural Areas

<https://www.frontlinedefenders.org/node/24917>

Women's Initiatives For Gender Justice: Gender in Practice: Guidelines and Methods to Address Gender Based Crime in Armed Conflict (2005)

http://iccwomen.org/whatwedo/training/docs/Gender_Training_Handbook.pdf

Women's Rehabilitation Centre (WOREC)

<http://www.worecnepal.org/index.php/about-us/>

World Organisation Against Torture (OMCT): Colombia: International verification mission on the situation of human rights defenders in Colombia (2012)

<http://www.omct.org/human-rights-defenders/reports-and-publications/colombia/2012/07/d21861/>

Mainstream Human Rights Documenting: Software For Documenting And Data Collection

Martus / Benetech

<https://www.martus.org/> and <http://benetech.org/2015/05/06/announcing-martus-desktop-5-1-improved-ui-and-data-visualization-help-human-rights-actors/>

HURIDOCS

<https://www.huridocs.org/>

Open EVsys

<http://www.openevsys.org/>

Other Documentation and Valuable Resources

Report of the Study on the Situation of Women Human Rights Defenders in Africa, Special Rapporteur on the situation of human rights defenders in Africa, African Commission on Human and People's Rights (2014/2015).

<http://www.achpr.org/mechanisms/human-rights-defenders/Study-Women-HR-Defenders/>

Advocates for Human Rights, Practitioners' Guide to Monitoring, Documentation and Advocacy

http://www.theadvocatesforhumanrights.org/a_practitioner_s_guide_to_human_rights_monitoring_documentation_and_advocacy

International Civil Society Action Network, Emergency Assistance for Activists and Scholars

<http://www.icanpeacework.org/emergency-assistance-for-activists-scholars/>

Mesoamerican Women Human Rights Defenders Initiative (IM DEFENSORAS)

<https://www.justassociates.org/en/ally/mesoamerican-women-human-rights-defenders-initiative-im-defensoras>

New Tactics In Human Rights: Documenting Violations—Choosing The Right Approach (2010)

<https://www.newtactics.org/documenting-violations-choosing-right-approach/documenting-violations-choosing-right-approach>

Red Umbrella Project: Prose & Lore: Memoir Stories About Sex Work

<http://redumbrellaproject.org/create/proseandlore/>

J. Barry and V. Nainar, Women Human Rights Defenders' Security Strategies: Insiste, Persiste, Resiste, Existe, UAF (2008)

<http://urgentactionfund.org/wp-content/uploads/downloads/2012/06/Insiste-Resiste-Persiste-Existe-WHRDs-Security-Strategies.pdf>

S. Long, Guide to documenting human rights violations through interviews

<http://paper-bird.net/2014/05/14/documenting-human-rights-violations-through-interviews-training-materials-english-and-arabic/> and https://drive.google.com/file/d/0Bw0_LRg9cKHYM2E5QkJFbVF3NHc/edit?pli=1

C. Rothschild, Written Out: How Sexuality is Used to Attack Women's Organizing; Center for Women's Global Leadership, International Gay and Lesbian Human Rights Commission (2000 and 2005)

<http://www.cwgl.rutgers.edu/docman/violence-against-women-publications/176-written-out-pdf/file>

Resources on Digital Security

See Chapter 6 for a broader analysis about WHRDs and digital security.

Digital Defenders First Aid Kit

<https://digitaldefenders.org/digitalfirstaid/>

The Digital First Aid Kit aims to provide preliminary support for people facing the most common types of digital threats. The Kit offers a set of self-diagnostic tools for human rights defenders, bloggers, activists and journalists who are facing attacks themselves, and provides guidelines for digital "first responders" to assist a person under threat.

GenderIT.org (a project of the Women's Rights Programme of APC)

<http://www.genderit.org/>

With a focus on feminist reflections on internet policies, the site is a think tank of and for women's rights, sexual rights and internet rights activists, academics, journalists and advocates from a range of disciplines and contexts, with an emphasis on voices from the global South.

Me and My Shadow

<https://myshadow.org/>

When we use our laptops and mobile phones we leave digital traces; we might browse the Internet, access news websites, rant on Twitter, post photos on Facebook, comment under YouTube videos, publish blog posts, receive phone calls or send SMS messages. Me & My Shadow is a project which helps you explore your digital shadows and learn how to minimise them, and find out how your data is feeding the data industry.

Safety Toolkit: Technology-Related Violence Against Women:

<https://www.takebackthetech.net/be-safe/safety-toolkit>

With a focus on concerns related to violence against women, this toolkit recommends tested tools for keeping your computer and mobile phone as secure as possible. You can also check how much information about you is online and learn how to better protect your privacy.

Security-in-a-Box

<https://www.securityinbox.org/en>

Security-in-a-Box is a guide to digital security for activists and human rights defenders throughout the world. If you're new to digital security, the Tactics Guides cover the basic principles, including advice on how to use social networking platforms and mobile phones more safely. Security in-a-Box is jointly developed by Front Line Defenders and Tactical Technology Collective, along with a global network of thousands of activists, trainers and digital security experts.

Security-in-a-Box's Digital Threats to the African LGBTI Community

<https://securityinbox.org/en/lgbti-africa/digital-threats-african-lgbti-community>

Threat Modeling (of the Electronic Frontier Foundation)

<https://ssd.eff.org/en/module/introduction-threat-modeling>