INTERNATIONAL CONSULTATION
ON WOMEN HUMAN RIGHTS
DEFENDERS

RESOURCE BOOK
Resource Book on Women Human Rights Defenders
(2005)

Edited by: Mary Jane N. Real and Michael Chai

Lay Out Artist: Michael Dougherty
Cover Artist: Estelle Cohenny-Vallier

Cover Design: The cover is adopted from a poster designed for the International Campaign on Women Human Rights Defenders. It portrays the women human rights defenders and defenders of women's rights who were killed because of their activism.

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Preface

This publication is a collection of papers presented at the plenary sessions of the International Consultation on Women Human Rights Defenders held 29 November - 2 December in Colombo, Sri Lanka. The presentations were edited into short articles to discuss in detail and depth the various topics on women human rights defenders, which were included in the program of the consultation. This publication aims to capture the varied and complex manifestations of the challenges faced by women human rights defenders working in different regions, and on different areas of human rights. It raises some controversial yet crucial considerations on evolving strategies that are specific to the demands of women human rights defenders for accountability of all perpetrators for violations and abuses. This collection of papers is intended as a complimentary resource book to the published proceedings of the consultation.

The articles in this collection are arranged in five parts: Part One is a collective piece written by the Women Human Rights Defenders’ International Coordinating Committee (WHRD-ICC) explaining the context and rationale of the campaign. It provides an overview of the political considerations in undertaking this initiative, and articulates the four core calls of the campaign.

Part Two explains in historical and conceptual terms, the meaning of ‘women human rights defenders’, and the campaign and international consultation organised around it. Hina Jilani’s article, which takes off from her 2002 report to the UN Commission on Human Rights highlights the significance of this particular focus on women human rights defenders. Nimalka Fernando situates the focus on women human rights defenders within the broader context of the struggle for women’s rights, human rights, and development. Charlotte Bunch provides a clear and precise explanation of the intended multiple meanings of the term ‘women human rights defenders’, and the thematic framework of the international consultation.

Part Three identifies the critical issues confronting women human rights defenders. As reflected in the calls of the campaign, state violence and repression is a challenge faced by all human rights defenders. It has specific repercussions on women human rights defenders and their work as discussed in the paper by Ruth del Valle Cóbar. Responsibility of the non-state actors who are rarely accountable for abuses against women and their defenders is discussed in the papers by Ndeye Nafissatou Faye and Marieme Helie Lucas. Faye’s article looks at the family and community, whose abuses against women human rights defenders are seldom subject to scrutiny, much less, accountability. Marieme’s paper raises a convincing case on the urgency to take a political stance to make non-state actors, such as fundamentalist armed groups, directly accountable for their violations against women and their defenders. Cynthia Rothschild focuses on ‘sexuality baiting’ as a particular form of attack against activists, and the specific abuses against a particular group of women human rights defenders, e.g., lesbian, gay, bisexual and transgender (LGBT) activists and defenders of sexual rights.

Part Four recommends concrete strategies for the protection of women human rights defenders. Julie de Rivierox’s article expounds on the practical usefulness of the UN Declaration on Human Rights Defenders, which women human rights defenders can use to claim their rights. Philip Alston shares some insights on
the strategic use of the UN Special Rapporteur system for the protection of women activists at risk. Kamala Chandrakirana provides a detailed illustration of how a national commission can provide comprehensive assistance to women human rights defenders. Luz María Monzón points out some possible strategies, both governmental and non-governmental, to protect women human rights defenders in situations where there is a high level of impunity of perpetrators, as is the case of countries like Colombia. Zazi Sadou focuses on non-governmental initiatives such as the support extended by the network, Women Living Under Muslim Laws, to women human rights defenders at risk. Lepa Mladjenovic calls attention to the feminist ethics of mental health care for women human rights defenders, an issue that concerns most activists, which was addressed for the first time in an international consultation.

The last part deals with issues of accountability in the context of women human rights defenders’ quest for justice. Aruna Mamei speaks of Sierra Leone’s bias against human rights, and the state’s inadequacies in responding to women human rights defenders cases. Susana Fried interrogates the assumed safe spaces in the family and community, identifies the intimate yet insidious abuses committed by the family/community, and argues for ways to demand state accountability for these abuses. Julia Silvia focuses on demanding direct accountability by another type of non-state actors, i.e., fundamentalist catholic groups that have attempted to revoke their organisation’s licence to work on reproductive and sexual rights. Miloon Kothari builds upon his work on women’s access to land and housing and explores how women human rights defenders can hold non-state actors, such as private enterprises or corporations, responsible for violations of women’s rights.

Vahida Nainar’s article emphasises the relevance of the International Criminal Court, an international mechanism that specifically addresses crimes against women and women human rights defenders.

The annexes include a compilation of materials on women human rights defenders that can be accessed from the web. The program of the international consultation and the list of members of the WHRD-ICC are also included as references.

Except for the paper on “Contextualising the International Campaign on Women Human Rights Defenders”, which was adopted by the WHRD-ICC, all the papers in this publication reflect the personal perspectives of their authors. Most of them did not prepare papers, rather delivered their presentations spontaneously. So most of the papers compiled in this publication are based on recorded transcripts of presentations made by the authors during the consultation.

The presentation of Lohana Berkins on strategies of LGBT groups to counter sexuality-based attacks against women human rights defenders could not be included in this compilation due to technical problems with the recording. There was also no recording of the presentations made during the public event on the fourth day of the consultation, so those presentations could not be covered in this publication.

The presentations were edited by the WHRD-ICC Secretariat in collaboration with some of the authors and a team of editors and translators. Due to time constraints, the WHRD-ICC Secretariat took responsibility for the final editing of the articles. The production of this publication was also made possible by the generous assistance of the authors who found time to work on their papers despite their extremely busy schedules.
schedule. The translations from English to Spanish and French were done through the contributions of various translators. They include Adriana Cortes, Pauline Egret, Mariame Helie Lucas, Rossana Favero-Karunaratne, Julie de Riviero, and Malika Zouba, who have volunteered their time and effort to complete this intensive task.

We extend our deep appreciation to all those who made this publication possible, and we hope this resource book will be a useful tool in the continuing work for the protection of women human rights defenders.

Mary Jane N. Real
Coordinator
International Campaign on Women Human Rights Defenders
c/o Asia Pacific Forum on Women, Law and Development
189/3 Changklan Road, Amphoe Muang
Chiangmai, Thailand 50101
Tel: 1 4864436
Fax: 66 53 280847
email: whrd@apwld.org
website: www.defendingwomen-defendingrights.org
Part 1: Contextualising the International Campaign on Women Human Rights Defenders
Contextualising the International Campaign on Women Human Rights Defenders

The Campaign

The International Campaign on Women Human Rights Defenders is an international initiative for the recognition and protection of women who are activists advocating for the realisation of all human rights for all. The campaign asserts that women fighting for human rights and particularly focusing on women's human rights face specific violations in the course of their work because of their sex and gender. The Campaign focuses on the situation of human rights activists defending women's rights and in particular calls attention to the violations experienced by lesbian, gay, bisexual, transgender and other rights activists on grounds of their sex and gender identities. The identities of these actors as well as the nature of the rights they strive to uphold are both factors that make them the focus of the Campaign.

The Campaign aims to support the critical role played by human rights defenders all over the world in the promotion and protection of all human rights for all. It seeks to expand the ambit of understanding of this concept to include specific defenders and groups of defenders that are at risk because of their sex/gender identity. This has become all the more important in the present global context in which the space for human rights advocacy by civil society actors is shrinking in the context of the US-led ‘war against terrorism’ and rising fundamentalisms.

The Campaign, which emerges out of a process of coalition building between women’s rights groups and human rights organisations, brings together a wide range of experiences and histories of defending human rights. It looks at issues of impunity and accountability of the state as well as accountability of a range of non-state actors for violations against women human rights defenders. It focuses on developing collective analytical and political strategies for strengthening the defense of women human rights defenders within a broader context of reaffirming internationally recognised commitments to democratic principles and universal human rights and freedoms.

The Campaign has identified four core calls:

- Recognition of women human rights defenders;
- Resistance to State violence;
- Responsibility by non-State actors;
- Realisation of all human rights for all.

Historical background

History is replete with accounts of countless men and women worldwide who have been subjected to discrimination, abuse and violence in the course of their activism in advocating and defending their own rights as well as the rights of others. Many have paid with their lives for their courage and commitment to the defense of human rights, and yet their lives, and deaths, have often gone unrecognised. While it is true that existing legal structures can be drawn upon to protect individuals and groups of individuals from violations of their rights by states and by other specified actors, our experiences show that many activists do not enjoy the protection they are entitled to by law. The demand for better legal frameworks and heightened social awareness for the protection and security of human rights defenders has emerged out of this context.
‘Women human rights defenders’ are both women active in human rights defence who are targeted for who they are as well as all those active in the defence of women’s rights who are targeted for what they do.

Throughout the Campaign, women human rights defenders have shared their concerns with the Campaign team at a series of consultations and meetings. The information they have shared has led to a more nuanced understanding of the specific violations and abuses they face and the need to develop protection mechanisms that are responsive to the threats and risks they encounter as women human rights defenders. The campaign has also brought women’s rights groups and human rights organisations to work together, through joint actions and activities, to address these concerns. Together, they have responded to specific instances of abuse and violation of women human rights defenders through action alerts and other tools used by women’s human rights groups and human rights organisations looking at violations against human rights defenders. The team has also been working collectively to draw attention to the lack of legitimacy given to women as human rights defenders, which accounts for the lack of protection accorded to them in their work.

The UN Declaration on Human Rights Defenders

In 1998, the UN General Assembly adopted the Declaration on Human Rights Defenders. This marks the first international recognition afforded to human rights defenders, and the first overt commitment by the international community and by the states that are members of the United Nations to the defense of the rights of human rights activists. It is a document adopted by consensus and as such represents a broad-based recognition of the importance to protect human rights defenders and promote their work. It does not create new rights, but speaks to the applicability of existing human rights norms and standards to the specific needs of human rights defenders. While the Declaration is not in itself a legally binding instrument, it contains a series of principles and rights that are based on human rights standards enshrined in other legally binding international instruments such as the International Convention on Civil and Political Rights (ICCPR) and International Convention on Economic, Social and Cultural Rights (ICESCR).

Above and beyond its legal validity, the Declaration gives due recognition to the status of human rights defenders and reinforces the legitimacy of their work. It also lays out the basis on which human rights defenders can seek redress for the violations committed against them.

The position of Special Representative of the UN Secretary General on Human Rights Defenders was created in 1999. Its functions include submitting an annual report to the UN Commission on Human Rights on the situation of human rights defenders worldwide. Reports, communications to governments and other initiatives from this office have further strengthened the discourse on human rights defenders and the responses to their needs for recognition and protection.

The Declaration and the mandate of the UN Special Rapporteur on Human Rights Defenders refer broadly to the rights and responsibilities of states and other actors with regard to the recognition and protection of human rights defenders. While the language does not focus particularly on any specific group of defenders, it allows for the broadest possible interpretation of the term. In her reports to the UN Commission of Human Rights, Hina Jilani, the Pakistani human rights advocate who is presently the Special Representative of the UN Secretary General on the issue of Human Rights Defenders, has singled
out the specific situation of women who are actively engaged in the defense of human rights.

**A special focus on women human rights defenders**

Within the arena of human rights activism, winning recognition for women's rights as human rights was a hard won battle, fought on many fronts for many years. It was not an easy task to challenge the assumption that the term ‘human rights’ was by definition applicable to all human beings equally, without consideration of the various differences that exist among them on the basis of race, ethnicity, economic or educational status, sex or gender identity, age or ability, and without consideration of the diverse relationships of power that arise because of these differences.

Within the patriarchal and male dominated social formations that exist all over the world, arguing for equality for women has been even more difficult. Women who speak out for their rights, the rights of other women, and the rights of other communities that suffer from discrimination and marginalisation, experience harassment, abuse and violence on a daily basis. They become vulnerable to attacks because of what they dare to do.

Issues of women's rights and, now, of women human rights defenders, are especially troublesome to states, non-state actors and even mainstream human rights organisations and progressive social movements because of the challenges posed to existing norms and social frameworks. Engendering human rights most critically entails giving life to the principle that the personal is political. The call for gender mainstreaming demands that we pay attention to unequal relations of power within all structures and organisational frameworks, including our own.

**The ‘high risk’ factor for women human rights defenders**

Women human rights defenders in the course of their work experience human rights violations on multiple grounds. As human rights defenders, they face the same gamut of risks faced by all human rights defenders, when they challenge repressive state machinery, for example, or when they raise demands for freedom of opinion and expression from authoritarian states. As women they are also exposed to or targeted for gender-based violence and gender-specific risks. Recognition of the specific risks and the specific violations women face in their work in defense of human rights because of their sex or gender identity is crucial. This is especially so in a context where women’s equality and dignity is denied and violent suppression of women's autonomy and rights is endemic in every society.

Women throughout the world who work for the protection and promotion not only of women's rights, but also of human rights in general, are placed at risk by social norms and assumptions about women’s primary role as being located within the private/domestic sphere. The isolation and silencing of women imposed by patriarchal structures play a critical role in making women more at risk to abuse and violations. Anyone who works with women and girls who are victims of domestic or sexual violence knows the many obstacles that prevent women from speaking out about the indignities and abuse they face on a daily basis. The culture of blaming the victims of sexual violence for their victimhood is a key factor that places constraints on women, and those around them, from reporting these abuses.

Social norms, traditional and customary practices that construct women as symbols of family and community ‘honour’ also make women responsible for protecting their community’s
honour. Such symbolism justifies severe and inhuman punishments for women who transgress the boundaries of behaviour laid out and ascribed by male-dominated religious and cultural authorities. This makes it hard for women human rights defenders to report or even articulate the existence of violence against women committed by members of their own political or ethnic group. Masculinist constructions of power, embedded in the state and reflected in families and communities, consider it unpatriotic and traitorous of women activists to point to perpetrators of violence from among members of the family or colleagues in the movements. Women who speak out and act in defense of their own rights as well as of the rights of other socially marginalised groups are rendered most at risk of attack and abuse. These interlocking networks of silence and ‘shame’ reinforce a culture of impunity for crimes against women. This in turn heightens the risk of women activists to violations of their rights and impedes their enjoyment of the full benefits of their citizenship.

Engendering human rights most critically entails giving life to the principle that the personal is political.

Women and other activists who actively promote women’s rights in arenas such as land rights, the right to inheritance, reproductive rights, sexual rights and who pose a challenge to tradition, culture and customary practices through their work are often at the receiving end of a range of attacks and abuses. The manipulative use of culture, tradition, custom and religion by conservative and right-wing forces to justify human rights abuses of women makes the task of women human rights defenders most complex and difficult. Promoting and protecting women’s rights within these arenas can lead to additional risks for women activists, since the assertion of such rights is seen as disruptive of cultural values and traditions. Activism for women’s human rights that challenges patriarchal and heteronormative social norms places women’s human rights defenders at risk, not only of physical abuse and violence but also makes them vulnerable to being ostracised by the community and society. Allegations of being witches, apostates and heretics are common forms of harassment they face in their daily lives.

Of particular concern in the discussions on women human rights defenders is ‘sexuality-baiting’, a term broadly used to encompass a range of practices that manipulate attitudes and prejudices about women’s sexuality. This is with the intent to intimidate, humiliate, embarrass, stifle or discourage women from organising around, or addressing issues of sexuality, sexual and other human rights. Sexuality-baiting against women human rights defenders can take many forms: women activists are labeled lesbians, sexually promiscuous deviants, anti-God, anti-religion; they are accused of promoting ‘Western’ or ‘alien’ cultures, and seen as responsible for the break-up of families. These labels are meant to denigrate the importance of their work. It discredits women’s motives for engaging in human rights work.

In addition, sexuality-baiting gives rise to situations that often have grave consequences for women. Such consequences include dismissals or forced resignation from employment and from holding office; dispossession of home and children; expulsion from the community; forced exile or migration. For example, women who demand accountability and criminalisation of marital rape, women who critique the patriarchal forms and nature of the monogamous nuclear family, or women who challenge hetero-
normativity – the imposition of the heterosexual norm – are often subject to attack and vilification. In some countries, this includes facing criminal and religious penalties. Accusations of being ‘bad’ women and negligent mothers abound. Comparable standards cannot be found for men engaged in public life and involved in the defense of human rights.

Public attacks against women human rights defenders often result in imposing restrictions on their freedom of speech, expression and assembly, and in challenging the legal standing of their organisations. Sexuality is manipulated not only to attack lesbians, gays and other activists working on sexual rights, but also to discredit any other political agenda espoused by women’s activists. In many instances, confronted with these hostile and sometimes violent responses, activists themselves take a conscious decision to tone down their political agendas. Many choose not to take on issues on sexuality-related rights for fear of retribution. This type of self-censorship and internalisation of fear becomes so ingrained that breaking the barriers of silence becomes difficult even when the political and social climates are more favourable for these issues to be raised.

Given this broad context, therefore, the term ‘women human rights defenders’ encompasses both women active in human rights defence who are targeted for who they are as well as all those active in the defence of women’s rights who are targeted for what they do.

The campaign calls
In response to the increasingly oppressive social and political contexts and the growing challenges to human rights and women’s human rights work narrated above, the campaign calls centre on the following:

- **Recognition of women human rights defenders**
  Despite the obstacles and suppression they face, women continue to be active in promoting and protecting human rights – their own and the rights of others. Their activism straddles a broad range of rights, including civil and political rights, economic, social and cultural rights, health rights, reproductive rights, sexual rights, labor rights, indigenous peoples’ rights, environmental rights and minority rights. Many women are also engaged in a range of anti-globalisation and anti-war activism that advances the rights of different communities and groups of people through working for social justice and sustainable peace. They espouse consultative forms of transparent and accountable governance that respect principles of equality and non-discrimination.

In addition to gender-specific violations inflicted on them as women, women human rights defenders have to also struggle against **gendered and gender-based stereotypes that seek to invalidate their roles as leaders in the public sphere.** They are exposed to more hostility than their male colleagues because they defy cultural, religious or social stereotypes about femininity and the role and status of women in society. This is so particularly in situations where men are presumed to have the monopoly of knowledge. Women human rights defenders are also more likely to face personal attacks, stigmatisation and marginalisation on the basis of their personal lifestyles than men in comparable situations.

The direct and indirect methods employed by patriarchal institutions and legal frameworks to control women human rights defenders are reinforced by the non-recognition of their work. This **lack of recognition of women human rights defenders as defenders in their own right directly challenges their legitimacy as leaders of communities and of social**
movements. Jeopardising the credibility of their work through non-recognition exposes women human rights defenders to further risks. For example, violations against women human rights defenders are given less priority when compared to those committed against ‘recognised’ human rights defenders who are often male. In the context of women activists who work at the community level and have not achieved public recognition for their work, this is crucial as they are more likely to suffer human rights violations such as abduction or torture, without the public being aware of it.

The political nature of the violations is also often lost as they are simply classified as common crimes. Further, these violations against women are subsumed within the ambit of ‘women abuse’ rather than perceived as acts of violence and affirmations of power over women. The struggle by women’s human rights defenders to assert that ‘rape’ is not a sexual act but rather an act of violence is but one example of the ways in which this type of stereotyping exists even within human rights movements.

The risk faced by of women human rights defenders and activists is also increased because there is no systematic documentation of the gender-specific nature and manifestations of the violence against women human rights defenders. This results in the denial of specific concerns of women human rights defenders and in the persistent lacunae in legal frameworks and structures that can ensure them adequate and appropriate protection. This vulnerability in turn makes women human rights defenders more likely to be subjected to abuse and violations. More gender-sensitive processes of reporting and monitoring abuses against women have to be developed also to encourage the victims to report violations. For example, activists working in the area of violence against women have developed alternative methodologies for recording testimonies that can reduce the trauma for rape survivors recounting their stories; this process facilitates prosecution of abuses in a manner that does not further violate the rights of survivors of violence.

In a context where women’s rights are not easily acknowledged and recognised as human rights, non-recognition of the specific roles of and risks faced by women human rights defenders translates into doubts regarding the validity of women-specific concerns within broader human rights frameworks, and into denial of the leadership and of the significant contributions made by women activists to human rights defence. Traditionally, within most mainstream human rights organisations and networks, as in many mainstream trade unions and political parties, raising specific issues of women’s rights was considered to be divisive. Women’s rights issues were subordinated to more ‘pressing’ issues, and advocacy for women’s rights could move onto the mainstream agenda only after other more important and ‘universal’ goals had been achieved. This tendency not only serves to isolate women’s human rights, but also results in the curtailment of the rights of women human rights defenders. For example, women activists who are forced to flee their countries due to imminent danger as a consequence of their activities in defence of human rights and women’s rights must often, if married, seek asylum and obtain refugee status as dependents of their spouses. The refugee status is granted not to the women activists directly, but to their spouses who are often also leaders of political and social movements. There is insufficient recognition of the position of women as human rights defenders in their own right.
Through their activism over the years, women have transformed their traditional roles in the family, which provides the basis for much of their subordination and marginalisation, into a source of agency that provides the basis for collective action and organisation. For example, in many countries around the world, women have reshaped the notion of motherhood in the face of severe political repression. They have challenged repressive machineries, both state and non-state, and demanded justice and accountability for human rights abuses of all. In Argentina, the Mothers of the Plaza de Mayo constituted a significant pressure group demanding accountability for their ‘disappeared’ children during the military regime of the late 1970s.

**The special expertise and knowledge women have gained through the multiple roles and responsibilities they assume as care-givers have provided the basis for specific and often strategic interventions to improve protection for women human rights defenders.**

**Resistance to state violence**

The changing nature of the nation state in the latter part of the 20th century and the various political and military processes which paved the way for the formation of many new states has had a grave impact on the protection and promotion of human rights. In addition, the range of economic processes which are referred to by the term ‘globalisation’ has led to often traumatic transformation of societies and communities under so-called neo-liberal economic policies. Central to these policies is a focus on growth, privatisation of public services, and de-regulation of trade and finance. These processes have all created immense social tensions and competition for scarce resources within the poorest and most marginalised communities in the world.

This process is accompanied by a growth in the use of violence as a method of resolving conflict and has led to the proliferation of internal armed conflicts, separatist struggles and so-called ‘low intensity’ conflict as a global phenomenon. Insecure states rely more and more on the might of their militaries and security forces to ensure stability on all fronts. Militarism is inextricably linked to processes of militarisation and the ‘normalisation’ of military presence in civilian life and in decision-making structures. The global ‘war against terrorism’ that followed the attacks on the World Trade Centre and Pentagon in the United States on 11 September 2002 has strengthened the hand of those who pursue militaristic resolutions of tensions and conflicts. Along with growing intolerance for diverse opinions and for dissent, one has observed the consistent threats to global governance posed by acts of unilateralism, the most blatant example of which was the decision of the US government to attack Iraq in the face of worldwide opposition to such approach. Governments of many developing countries have had to accept the roles assigned to them in this ‘global war’ led by the United States, largely because aid and economic concessions are tied to their cooperation in this war.

This context has legitimised steps taken by many governments to enact and implement a range of anti-terrorism laws that suppress democratic opposition and violate a range of human rights of the peoples they govern. Authoritarian regimes have been provided with an opportunity to hunt down their opponents with impunity. Advocacy for fundamental freedoms that check the excesses of governments and that demand democratic change are identified as a ‘threat to national and international security’. This creates a climate of heightened risk for human rights defenders in general. Human rights defenders, men and women, who work for democracy, social justice
and human rights, face charges of ‘inciting to rebellion’, ‘disseminating false information’ and ‘damaging the countries reputation’ for reporting on the internal human rights situation at international events.

The courts and legal proceedings are used to harass activists through multiple law suits, lengthy trials, exorbitant fines and bail fees, and prolonged detention. Governments have also enacted regulations that allow for monitoring and tight state control of the activities of civil society organisations such as, arbitrary registration procedures, restrictions on receiving funding from foreign sources, and mandatory reporting for non-resident NGO workers.

The report of the UN Special Representative on Human Rights Defenders for 2005 has made critical observations on this situation, pointing out reports she had received in which human rights defenders have been attacked even during peaceful public demonstrations and rallies; while conducting investigations of human rights abuses; and before, during or just after publicising human rights concerns. Among the abuses set out in the report are arbitrary arrest and detention, often without access to counsel and their families; intimidation and harassment by authorities, including tapping or cutting telephone lines and confiscation of travel documents; prosecution for making critical statements against the government; and blacklisting and threatening family members.

Like other human rights defenders, women activists are not exempt from abuses by state authorities. The case of Mahboubeh Abbasgholizadeh, an Iranian feminist, arrested and questioned about her presentations at international meetings outside Iran, including at the European Social Forum and at the Asia Pacific NGO Forum on Beijing + 10 provides a clear example of the types and levels of abuse women human rights defenders are liable to face when confronting state violations. She was repeatedly questioned about her sexual partners and was threatened that her daughter would be arrested if she did not cooperate. Amidst growing gay and lesbian organising in Zimbabwe, gay and lesbian activists also faced harassment from the state as President Robert Mugabe launched a series of verbal attacks against them, associating sexual diversity with national decline and justifying not only the marginalisation of gays and lesbians, but also any attacks against them.

A key line of defence of human rights defenders builds on the framework of state accountability and obligations as provided for in international human rights law. However, the increasing dependence of many states, especially those confronted by threats to their political stability, on private actors somewhat clouds the reality of state accountability for these violations. In Thailand and the Philippines, there are many examples of private sector enterprises using private security forces to fire at, intimidate and sometimes assassinate people from the communities who protest against their displacement and against environmental consequences of the operations of these companies in their communities.

Demanding accountability for violations against women’s human rights perpetrated by the state, or by those who act in the name of and under the orders of the state, thus constitutes a critical arena in which women human rights defenders must operate. The issue of state accountability for violence and violations of the rights of human rights defenders is more compelling if one considers the positive obligation imposed on the state to promote, protect and fulfil human rights.
under international human rights treaties and commitments. This duty to prevent, investigate and punish wrongful acts by state agents, including those committed by non-state actors, has been strengthened by a growing focus on state responsibility for its omissions, including its failure to prevent human rights violations from taking place or its inability to protect the rights of those living under its jurisdiction.

Responsibility for violations by non-state actors
As described above, the concept of ‘non-state actors’ could include members of the family and community, members of extremist and fundamentalist groups, armed groups, representatives of the media, and others such as trans-national corporations and international financial institutions. The distinction between state and non-state actors can be sometimes superficial, both in the context of identifying the perpetrators and attributing responsibilities for the abuses. For example, paramilitary groups which are categorised as ‘non-state’ actors can turn out to be supported by governments in some instances, such as in situations of counter-insurgency operations.

Also, while human rights abuses may be committed directly by ‘non-state’ actors, both the non-state actors and the state may be held responsible for the violations. The emergence of very powerful non-state actors such as fundamentalist armed groups assimilated in popular movements and the rise in conflicts and human rights crises that cut across national jurisdictions demonstrate the limits of a paradigm of accountability for human rights violations centered on national sovereignty.

The term ‘non-state actors’ is important not so much for its conceptual clarity but more because it marks a significant shift in the accountability of such perpetrators of human rights violations under international human rights law. Prior to the 1990s, the assertion that only states are signatories to international treaties thus can be made subjects of international human rights law, had led to impunity of non-state actors for human rights abuses. The traditional focus of human rights activism on state accountability partly explains why issues of violence against women had been eclipsed in international human rights law and had been considered outside the mandate of governments and human rights organisations until the 1990s.

The focus of most mainstream human rights institutions and frameworks on the public arena and on state accountability has led to a callous disregard of the role played by so-called private or non-state actors in committing women’s human rights abuses. Among the non-state actors engaged in the perpetration of human rights abuses are multinational corporations, private enterprises, armed or unarmed militant and extremist groups and individuals, especially those in an intimate or familial relationship with women victims.

The issue of accountability of non-state actors for human rights violations they commit remains one of the most difficult within contemporary human rights discourse. For example, many minority, indigenous and ethnic communities face grave violations of their human rights at the hand of multi-national corporations who take over their land and forests, often employing private armed guards to provide ‘security’ to their enterprise. Armed groups propagating extremism often violate the human rights of civilian communities, and especially of women, brutally enforcing anti-democratic and inhuman practices in order to crush opposition and silence voices of dissent. In all these situations, women are specifically
targeted because of their sex and gender as well as because of their espousal of common and collective causes on behalf of minority, indigenous and ethnic communities.

In the case of violence against women and defenders of women’s rights in Algeria throughout the 1980s and 90s, most violations committed by the state affected men. Violations committed by fundamentalist armed groups affected several hundred thousand women and defenders of women’s rights. The concentration on state violations to the detriment of identifying non-state actors’ violence rendered women and the specific forms of violence against them and their defenders invisible.

At the same time, fundamentalist groups have also proceeded to use the opportunity offered by human rights organisations to be seen and represented as victims in all possible instances and to claim rights that were denied to those who were their victims. They became acceptable partners and speakers on human rights platforms, enjoying impunity and erasing their roles as perpetrators of violence and human rights abuse. An outrageous outcome of this situation is that non-state political actors have enjoyed refugee status in European capital cities while their victims were not considered eligible since they were not persecuted by the state. For the victims and women human rights defenders who were not even being recognised as defenders entitled to rights, this has added offense to injury.

The ways in which women and their bodies have been used as markers of culture and tradition by religious fundamentalist groups, extremist nationalist movements and separatist groups fighting for self-determination is well documented. Women activists advocating women’s rights are exposed to violence from external actors, i.e., the ‘enemies’ who wrench retaliation from the communities of the ‘other’. They also face attacks from internal actors as they oppose oppressive cultural practices and traditions often valorized by these groups. In addition, women human rights defenders who work in situations of violence and armed conflict, for example, face specific forms of violence including war crimes and crimes against humanity. During periods of transition and in post-conflict situations they face heightened risks, when public violence turns private, and it is generally perceived that violence no longer exists under these circumstances. Insisting on the responsibility by non-state actors for human rights violations in this context becomes crucial for the protection of women human rights defenders.

The best protection for women human rights defenders and the prevention of violations and abuses committed against them is the realisation of all human rights for all.

Realisation of all human rights for all
The best protection for women human rights defenders and the prevention of violations and abuses committed against them is the realisation of all human rights for all. Human rights defenders, both men and women, are most at risk in a climate of growing political repression, increasing authoritarianism and rising militarisation perpetrated by the state and its allies. Many governments have reneged on their commitments under international human rights treaties. State and non-state actors have continued to commit human rights violations with impunity. These have made human rights work more dangerous for activists. So there is a need now, more than ever, to demand for the fulfillment of all human rights and to find effective
ways to make both state and non-state actors directly accountable for human rights violations.

Within the advocacy for the realisation of human rights, the struggle for winning recognition for concepts of rights in the areas of biological/human reproduction and the exercise of sexual choices has been challenging. The outcomes documents of the International Conference on Population and Development (Cairo, 1994) and the Fourth World Conference on Women (Beijing, 1995) contain language that signaled a shift away from consideration of these issues as public health concerns to an acceptance of the legitimacy of these rights in the context of non-discrimination and women's autonomy. Yet these gains have been blocked and resisted at every turn by the combined forces of conservatism and extremism as well as religious fundamentalisms. In addition, interpreting these rights in ways that advance women's agency has been contentious and incorporating them into policies and laws has been a fierce battle.

Human rights for women include a range of reproductive and sexual rights. Policy makers including those in the mainstream human rights field have yet to become fully cognizant of the multi-dimensional facets of these rights. Reproductive rights include women's autonomy to decide whether, when and how to reproduce, and the right to contraceptives, safe abortion. They also pertain to women's freedom and capacity to have a satisfying and safe sex life, based on choice and consent. The present yardstick remains the statement in Paragraph 96 of Beijing Platform for Action which reads:

The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behavior and its consequences.

The criminalising of homosexuality in many countries and the endemic marginalisation of communities of women and men who exercise sexual choice and preferences in contradiction to hetero-normative standards make the espousal of sexual rights extremely difficult. The lack of social legitimacy is also linked to the lack of legal legitimacy accorded to sexual rights and reproductive rights within traditional human rights organisations and frameworks. This perpetuation of invisibility not only of sexual rights issues but also of gay, lesbian and other sexualities and LGBT activists in all spheres, including in broad social movements, is itself a major form of discrimination and a violation of sexual rights.

The centrality of the advocacy for sexuality rights becomes more urgent with the rise of various forms of fundamentalisms, which have become powerful forces responsible for many violations of women's rights and human rights. Fundamentalisms are political projects that use religion to obtain and retain power. They draw their legitimacy from a fabricated notion of ‘moral universalism’ that works to create a single, collective identity that is deemed as ‘pure’, ‘valid’ or ‘authentic’. This ‘purity’ or ‘authenticity’ is achieved primarily through control over women, including over their sexuality. As fundamentalist ideologies gain power in societies, elements of these ideologies also begin to influence processes of law-making and policy-making. A glaring example is the ‘Global Gag Rule’ (or Mexico City Policy) reinstated by the Bush administration. This
rule restricts funds for NGOs that work on any abortion-related issues, including advocacy for legal reform of punitive abortion laws. A related policy was also enacted that provides HIV/AIDS funding only for those organisations and groups that encourage the pro-abstinence ABC (Abstain, Be faithful, use a Condom) method.

Recommendations
The International Campaign on Women Human Rights Defenders intends to begin a process of mobilisation and reflection among key players in the human rights arena on matters affecting women human rights defenders. It aims to support the many and varied initiatives designed to deepen understanding of human rights, and push for universal application of human rights principles that uphold women's human rights. Specifically, the campaign aspires to generate interest and support from the international community to work towards achieving the following major propositions:

1. Women human rights defenders are treated as equal partners and leaders in the defense and promotion of human rights.

   This goal is rooted in the commitment to fulfil the universal human rights principle of equality between men and women based on a feminist understanding of substantive equality. It challenges and seeks to correct the curtailment of women's rights embedded in biased stereotypes around the different biological functions of men and women.

2. Women human rights defenders are recognised and protected from discrimination and violations.

   Many of the risks faced by women human rights defenders arise out of the lack of acknowledgement of their presence in the field and of the lack of legitimacy accorded to the issues they advocate. The lack of respect for women human rights defenders would eventually lead to adverse impact on the overall advocacy for human rights.

3. Governments, NGOs and other members of civil society address the specific concerns of women human rights defenders and protect them in accordance with the UN Declaration on Human Rights Defenders, and other international instruments and mechanisms.

   Adequate and appropriate protection for women human rights defenders entails an understanding of gender-based forms of human rights violations, threats and their consequences on women human rights defenders. Addressing these violations have to be contextualised, and mechanisms for protection must affirm the principles of equality and non-discrimination. The use of culture or religion to justify abuses against women should be prohibited, and women activists must be protected in all spheres of their work, in both the ‘private’ and ‘public’ arenas, with both state and non-state actors assuming direct liability for their respective violations of human rights.

   In order to ensure the protection of women human rights defenders based on these key propositions, the campaign makes the following demands:

For governments:

- To repeal of all laws and policies, including anti-terrorism regulations, that violate human and women's rights and pose risks to human rights defenders, including women;
To enact specific measures to implement the principles contained in the UN Declaration on Human Rights Defenders that would recognise and protect women human rights defenders and ensure the women are equally able to exercise the right to defend human rights;

To take effective action to sanction state officials and non-state actors who abuse the criminal justice system, utilise the media or community to harass women human rights defenders or curtail their legitimate activities for the defence of human rights and fundamental freedoms;

To ensure allocation of adequate funding and resources for the full protection of women human rights defenders and the promotion of their rights.

For the UN and human rights groups:

- To develop new mechanisms for more effective accountability of non-state actors for violations against women and women human rights defenders;
- To continue to support the mandate of the UN Special Representative to the Secretary General on Human Rights Defenders, and ensure that a focus on women human rights defenders remains a core aspect of the mandate in order to develop and maintain effective, appropriate and accessible protection for women human rights defenders;
- The office of the UN High Commissioner on Human Rights to provide technical support and resources to relevant UN and state agencies, including national human rights commissions, to implement the recommendations of the UN Special Representative on Human Rights Defenders, particularly on the prevention of violations and protection of women human rights defenders;
- To develop gender-specific guidelines to enable women human rights defenders who are exposed to danger to access protection or reach safety before serious or further violence has occurred;

For human rights organisations, civil society movements and NGOs:

- To undertake measures to protect those who are persecuted because of their advocacy on sexual rights and eliminate all forms of discrimination against persons of different sexual orientation, including lesbian, gay, bisexual and transgender persons;
- To develop programs and allocate sufficient resources for the protection of women human rights defenders and to respond to gender-based violations against them;
- To recognise that women human rights defenders are human rights defenders in their own right and that they should be consulted on issues relating to their security and protection as human rights defenders.
Part 2: Overview of the Campaign and Consultation
Introduction
Critics have branded women’s rights struggles as monolithic hatred campaigns against men. But women have organised and gathered in this manner at many fora and many times to design and envision the future for everyone against all obstacles that stand in the way of genuine human development.

This paper aims to offer some thoughts on the interrelations between women’s rights, human rights, and the right to development in the context of the work of women human rights defenders.

Remembering Yayori Matsui, a woman human rights defender
Yayori Matsui was an outstanding woman activist who led the earliest campaign against sex tourism and the trafficking of Asian women to Japan. She was also one of the first to draw attention to the issue of Asian “comfort women” and to bring justice to them internationally.

She will be remembered as one of the prime movers of the Tokyo International War Crimes Tribunal on Military Sexual Slavery of Asian Women held in Tokyo in December 2000. Together with hundreds of activists, lawyers and victims of Japanese military sexual slavery she worked tirelessly to make the Tribunal possible resulting in the unprecedented decision of a People’s Tribunal declaring the Emperor of Japan as a war criminal.
She constantly engaged in various causes including children’s rights, indigenous rights, the environment but her most enduring passion has been the quest for peace and gender equality.

To many of us, Yayori was not simply a Japanese activist. She was a citizen of the world – who did her utmost to make a difference to improve the lives of those she had touched. http://action.web.ca/home/catw/readingroom.shtml?x=33926&AA_EX_Session=0499d93107c6c40de148771671b9da18

Yayori and her campaign make the point about the challenges faced by activists for gender equality. Working for women rights in general, and human rights in particular is not easy. It has never been an easy task to inform individuals, communities, religious leaders, and the political leadership that women face discrimination and subjugation as a result of patriarchy.

Advocating for women’s rights, human rights, and the right to development
Many would never understand that men have always enjoyed power over women and their
bodies. Women are right at the bottom of decision-making in every society and at all levels. Sri Lanka is a good example. In fact, in Sri Lanka, requesting reservations for women at the political level is classified as a sensitive subject both at the Ministry of Women’s Empowerment as well as in the political parties.

Globalisation has added to the miseries of poor peoples the world over. Mal-development is responsible for the rapid collapse of the environment as well as contributing to water, land and food insecurity. When people resist these conditions, thousands find themselves jailed, detained and displaced from their homes and villages. Resistance against globalisation is mounting, but so are new strategies to silence the voices of dissent. There is no better example than that of the United States policing the world in the name of democracy.

**Now, more than ever, the courage and leadership of women human rights defenders is crucial to counter the increasing impunity of human rights perpetrators….**

How can we mobilise people in such unjust situations? What do we do when natural disasters occur and the guardian of the people - the state - connives with investors to grab land, as happened in the aftermath of the 2004 tsunami? Often, the survivors do not have the energy to fight back. They succumb to the might of wealth and political power of the elites. Historically, women activists the world over have spoken out against injustice and violation of human rights. They have been at the forefront of various movements against oppression. Cases in point include: the heroic struggle of the madres de la Plaza de Mayo in Argentina; the demand for justice by comfort women in Korea, and other countries; the claim for equality by Dalit women in India; the struggles in Palestine where women activists are among those killed; those committed against apartheid and discrimination in South Africa; or in Sri Lanka where Tamil-speaking women and men are campaigning against racism and discrimination. Now, more than ever, the courage and leadership of women human rights defenders is crucial to counter the increasing impunity of human rights perpetrators and resist the growing impoverishment of women and other groups.

**Women human rights activists defending human rights**

The International Consultation on Women Human Rights Defenders is a highly significant event. Women human rights defenders from all the continents gathered at this meeting, soon after Beijing +10, to trace the steps taken in the past in order to move forward. The gathering builds upon the progress since 1993, when the global women’s movement successfully affirmed at the United Nations that ‘women’s rights are human rights’.

This very strong theme of ‘women’s rights are human rights’ has to be translated into political language at all levels. The appointment of the UN Special Rapporteur on Violence Against Women and the office of the UN Special Representative on Human Rights Defenders are significant milestones in this respect. The introduction of the optional protocol of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is yet another major achievement.

Overall, much progress has been made in the quest for human rights. The definition and understanding of human rights has broadened from its narrow confines to include not only civil
and political rights, but also social, cultural and economic rights. This broader understanding is necessary because development models that have been pursued in many parts of the world have resulted in massive displacement and disenfranchisement of people.

Despite these achievements, women human rights defenders must remain vigilant to sustain the protection of human rights. Policy makers and politicians often twist the rights discourse to suit their vested ideologies. In Sri Lanka, for example, the political regime has put in place a human rights commission. However, it has failed to develop a strong human rights-based approach to women’s rights. It appears that protection for women against domestic violence is being influenced by extremist politics, which perceive such advocacy as encouraging the break-up of the family.

Moreover, the government-influenced media in Sri Lanka is launching an active campaign against women’s human rights. As a result, women activists and NGOs have been targeted with abuse by extremist forces. Neither political parties nor ruling regimes came to their defence. No mention was made of women’s rights in the policy statement by the new president-elect before the parliament. These are indicators of the grave and new challenges to the meaning and substance of women human rights’ defence.

**Conclusion**

The fight for women’s human rights is not over yet. Women human rights defenders must continue to gather and probe into the future to carve out new and just destinies. International solidarity remains a powerful bonding in the common quest for justice, human dignity and rights of the discriminated and the marginalised. Struggles in the courtroom and within the United Nations system must link to the creation of a dynamic social movement imbued with the energy for social change and towards ending all forms of violence.

The story of Sanchita Chakma serves as a stark reminder of the continuing struggle for women’s right to live with dignity. Sanchita’s life is a saga of wounds and continuous human violations. She lived in a village with her family of two sisters and one brother. Life was simple. She was the youngest. But one day she and the other villagers were forced to leave their land because a dam was being built there. No one understands what the dam was all about. No one explained why the dam had to be built, or villagers displaced. In Sanchita’s words “It was not just a piece of land, it was our home, it sustained us and the spirits of ancestors reside here. Life continues through this land. How can we be uprooted from our life?”

Notes:

* Nimalka Fernando is President of the International Movement Against All Forms of Discrimination and Racism (IMADR) and a member of Women’s Alliance for Peace and Democracy, Sri Lanka.
Introduction

Two: Defending women defending rights

Hina Jilani*

Women human rights defenders across the world make unique and important contributions to improving respect for human rights, women’s rights and women’s participation in public life. In the course of, and as a consequence of carrying out their work, women human rights defenders face gender-specific risks and vulnerabilities. Strategies for the protection of human rights defenders must, therefore, be conscious of the gender differences and must accommodate the needs and priorities of women human rights defenders.

This paper aims to discuss the concerns faced by women human rights defenders in particular.

Women defending rights

Women have been actively engaged in the human rights struggle. And like all human rights defenders, women have suffered hard and faced grave threats to their lives, liberty, security, independence and credibility. State apparatus, oppressive laws, and other tools of repression are equally used against women human rights defenders in attempts to deter them from carrying out the valuable work of promoting human rights.

Women activists campaign against human rights abuses of various social groups at risk. These include migrants, refugees, asylum seekers or political activists. They are also at the forefront in the protection of rights of minorities, those that are socially marginalised or excluded including gay and lesbian rights. They have also been campaigning for humane prison conditions and have been documenting and exposing human rights abuses in this area.
Women human rights defenders have supported victims of human rights abuses in terms of access to legal redress. As expert witnesses, they have testified in proceedings against perpetrators. As trade union activists, they have championed workers' rights. As lawyers, they have sought redress for victims of human rights abuses and exposed impunity of violators. As victims of human rights abuses themselves, they have become advocates for rights. They have organised and campaigned for the rights of human rights defenders themselves.

At the end of the day, women's struggle for human rights is a political struggle. It is not limited to legal strategies, but encompasses breaking existing structures and then rebuilding them with gender equality. National, regional and international strategies need to be more comprehensive, and incorporate a better understanding of women's contribution in the matter of human rights. The promotion and protection of human rights cannot be sustained without the tremendous contributions that women make in every field of human rights.

**Protecting women who promote and protect rights**

All over the world, women human rights defenders, like their male colleagues, pay a heavy price for the work they do. Many have been subjected to assassinations, disappearances, illegal arrests, detentions and torture. Some have been verbally and physically insulted or have been threatened with violence and death simply for protesting against prison conditions. Many of them have been falsely accused and prosecuted for charges such as espionage, anti-national activities, threats to national security and passing state secrets to foreign organisations. They have been targeted in their professional capacity as lawyers, journalists, doctors, NGO workers or students because of their commitment to human rights work.

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**As women become more visible and active in the public sphere, they are harassed with more hostility.**

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Some women human rights defenders have been forced to flee their homes and countries in fear for their lives. Others have survived attempts on their lives. Some have been subjected to ill treatment for falsely diagnosed illnesses. Their family members have also suffered harassment, intimidation, verbal abuse and detention. The offices and homes of many women activists have been searched or broken into and their belongings confiscated, destroyed or rendered useless. The list goes on.

Women human rights defenders face specific gender-related risks and vulnerabilities in contrast to male activists. They face greater and different risks than male defenders because they challenge social structures, vested economic interests, traditional practices, and interpretations of religious precepts. In particular, they are targeted by religious groups, tribal elders, community members, and even family members and relatives who uphold these patriarchal institutions.

As women become more visible and active in the public sphere, they are harassed with more hostility. Women human rights defenders face more severe risks than their male colleagues because they demystify cultural, religious and social norms about femininity and the role of women in a particular culture or society. They face human rights violations not only for their work as defenders, but even more so because of their gender and the fact they work against social stereotypes.
Women activists are particularly vulnerable to prejudices, social exclusion, and public repudiation from both state and non-state forces. To make matters worse, the denials or inadequacies on the part of the authorities increase the risks and vulnerabilities that women face. Women defenders themselves become victims of human rights violations, especially in the hands of non-state actors because of the silence and inaction of the authorities.

The hostility, harassment and pressure that women human rights defenders face take gender-specific forms. These range from verbal abuse directed exclusively at women because of their gender, to sexual harassment and rape. Women are subjected to forms of violence that result in social consequences that men rarely experience. Take the example of the woman activist who accompanied a human rights victim to the police station. She was verbally abused, beaten, and raped. She was treated as a victim, not as a human rights defender. She became a victim herself because she dared to speak out against human rights violations. Cases such as these effectively weaken the protection for women human rights defenders.

**Strategies to protect women human rights defenders**

The security needs of human rights defenders vary in different conditions and contexts. These need to be studied and understood – whether it be gender specific, or situations of conflict, war, or occupation. It is in this context that women human rights defenders are accorded particular attention by the office of the Special Representative. The UN Special Representative on Human Rights Defenders is mandated to:

- seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;
- establish cooperation and conduct dialogue with governments and other interested actors on the promotion and effective implementation of the Declaration;
- recommend effective strategies to better protect human rights defenders and follow up on these recommendations.

**Conclusion**

Women human rights defenders represent a constituency and an agency for the protection and promotion of women’s rights as well as other human rights. However, the specific problems they face are not being addressed in a way that enables them to continue their work. The environment needs to be conducive to human rights work, with strong policies adopted by the states to allow human rights activities to prosper. The state must also be conscious that it cannot be passive in cases of violations by non-state actors, particularly in the context of violations against women and their defenders. Proper and effective security can and must be accorded to human rights defenders not just as security measures, but as appropriate tools to promote and protect human rights for all.

**Notes**

* Hina Jilani is an Advocate of the Supreme Court of Pakistan and was appointed in 2000 as the UN Special Representative to the Secretary General on Human Rights Defenders.
Three: Introducing the International Campaign on Women Human Rights Defenders

Charlotte Bunch*

After fifteen years of the 16 days of activism campaign, the International Campaign on Women Human Rights Defenders of which this international consultation is a main event is taking on another aspect of what it means to link women rights and human rights. It applies a feminist gender analysis to the field of human rights defenders. It explores ways to bring together the forces of human rights organisations with women’s rights and lesbian, gay, bi-sexual and transgender (LGBT) movements. This bringing together of different movements is a powerful process.

Introduction

The International Consultation on Women Human Rights Defenders is happening as part of the fifteen years of the 16 days of activism against gender-based violence against women campaign. The 16 days is one of the earliest global campaigns that links women’s rights and activism on violence against women with human rights, and specifically connects November 25 as International Day Against Violence against Women to December 10, Human Rights Day.

The International Campaign on Women Human Rights Defenders of which this international consultation is a main event, is taking on another aspect of what it means to link women rights and human rights. It applies a feminist gender analysis to the field of human rights defenders. It explores ways to bring together the forces of human rights organisations with women’s rights and lesbian, gay, bi-sexual and transgender (LGBT) movements. This bringing together of different movements has been and continues to be a powerful process.

This paper explains the conceptualisation of the International Consultation on Women Human Rights Defenders and what the Women Human Rights Defenders International Coordinating Committee (WHRD-ICC) expects from this process. It briefly defines the concept of women human rights defenders, the framework and thematic pillars of the international consultation, and clarifies the expectations beyond this consultation.

Defining women human rights defenders

It is not an accident that the term used in the campaign is ‘women human rights defenders’, not ‘women’s human rights defenders’. The concept conveys a dual meaning:

The first meaning refers to women who are defending any and all human rights issues. They often face gender-specific abuse and violations in doing their work. As Hina Jilani, UN Special Representative on Human Rights Defenders notes in her 2002 report to the UN Commission on Human Rights, women human rights defenders are punished because they defy societal stereotypes of women. As women, they face threats to their professional integrity and jobs as well as to their standing in the community. They are subjected to familial pressures, sexual harassment and other forms of gender based violence, whether they are working on ‘women’s issues’ or not. What happens to them is often...
shaped by the fact that they are women, no matter what issue they are working on.

The second meaning of women human rights defenders refers to women, as well as men and LGBT activists, who defend and advance gender and women specific issues, especially issues related to bodily integrity and sexual rights. They work on issues such as violence against women, reproductive rights, and LGBT rights. They are activists at risk because of their sex and their gender identities, as well as because of their political work.

These defenders are attacked in ways similar to all other women human rights defenders working on other issues. However, there also can be particular and heightened forms of abuses because of the nature of the rights they are defending. Promoting and protecting rights related to the family and sexuality threatens patriarchal institutions and can lead to direct threats to the defenders’ life and liberty.

It is also important to note that the focus of this work is on ‘defenders’. The subject is not so much what activists do, or the issues they work on, but what happens to activists doing this work. It is hard to keep this focus as activists continually slide into the issues they work on, rather than what happens to them when working on these issues. There is a need for activists to look at themselves as defenders, and identify the threats, challenges, burn-outs they face as well as the responses necessary to enable them, as women human rights defenders, to continue and advance their work.

There are also several key reasons why it is difficult to keep this focus on women human rights defenders:

Firstly, the issues to be discussed are often deeply personal and intimate. Women human rights defenders have often been silenced by shaming and blaming. This shaming and blaming take various forms: stigmatising victims of violence against women; belittling of women’s rights or LGBT rights as petty or trivial; making sexist and homophobic jokes about feminists and sexual rights activists; imposing taboos on speaking about violations committed by males belonging to the same political or ethnic group; and accusing activists of being divisive if they raise questions of abuse within their own communities. All of these reinforce a culture of silence and impunity for crimes against women human rights defenders. It is this silence that reinforces the impunity that this campaign hopes to end.

Secondly, it is difficult to talk about women human rights defenders because it is not merely about the highly visible individuals at high risk. There are many women human rights defenders who have taken great risks and some of them are honoured in this campaign. But there are numerous others who are invisible because they are women and/or gay. Defending women human rights defenders is about the broader social context and the institutions that impede this work. It is about everyday structural ways in which women human rights defenders are discouraged or prevented from speaking up. It is about creating an environment that is more favorable to this activism in the face of everyday silencing, not only the silencing of the heroes, but of all defenders.

Thirdly, it is difficult but also exciting, to discuss women human rights defenders because it
is about evolving human rights standards and practices. Human rights are not static. There are important and basic principles, which have been articulated for defenders in the UN Declaration on Human Rights Defenders. To address women human rights defenders and gender-specific defence for them requires interpreting these recognised principles in the light of the specific experiences of women, of LGBT activists, of women of different races, different classes, with different cultural traditions. Universality of human rights does not mean that everyone have the same experience of abuse but rather that each one has the same rights not to be violated. Therefore, women human rights defenders must examine the diverse and specific experiences of abuse they face in order to shape strategies to achieve a universal defence for the rights of defenders.

Lastly, it is also difficult to talk about women human rights defenders because the current political trend is one of escalation of militarism & conflict, a questioning of human rights in the face of a demand for 'security' and the so-called 'war against terrorism'. It is a moment of virulent backlash against the human rights of women and LGBTs from the Vatican and various other fundamentalist forces in all regions and religions. Worse, even as women human right defenders are often the targets of this backlash, some argue that their issues are secondary, making their defence even more difficult.

Framework of the international consultation on women human rights defenders

The International Consultation on Women Human Rights Defenders works with four axes, or four main themes that run throughout the program. These themes were identified as particularly necessary to the defence of women human rights defenders. They are central to how the WHRD-ICC defined the issue, but they are not exhaustive. There will be more issues that will come out throughout the work on women human rights defenders. The four themes are:

Resistance to state violence and repression of women human rights defenders

Often, violations against women human rights defenders are committed by the state or its agents. There is a growing body of knowledge about the gender-specific aspects of these violations, such as rape in war, but they have to be examined further in a context of the state's increasing use of violence to resolve conflicts. There is a need to examine these issues in light of today's climate of a 'war against terrorism', which some states are using to try to legitimise challenges to human rights. Also, changes in the nation-state in the context of a neo-liberal globalised economy have to be looked into vis-à-vis its impacts on the conceptualisation and enforcement of state accountability.

Responsibility for violations by non-state actors

There are many different types of non-state actors who often violate the rights of women human rights defenders. This includes members of the family and community, extremist and fundamentalist political groups, paramilitary or armed groups, transnational corporations, and others. In order to insist on the responsibility of all non-state actors for human rights violations, it is crucial to find diverse mechanisms to effectively implement the protection of women human rights defenders. It is important to build on what has been developed in human rights work toward this accountability, but also understand the necessity to create new ways of thinking about enforcing direct accountability of non-state actors for violations against women and women human rights defenders.
The traditional focus of much human rights work on state accountability has often left many women’s issues and women human rights defenders invisible and without the backing of the human rights community, which is so important in the defence of women’s human rights. In fact, in some cases, human rights groups have even supported the violators of women’s rights, like fundamentalist groups when they are repressed by the state, ignoring the fact that these groups were also repressing women and sexual rights activists. This is another difficult issue that needs to be looked at in the context of non-state actors.

It is difficult but also exciting, to discuss women human rights defenders because it is about evolving human rights standards and practices.

Violations and obstacles faced by women human rights defenders in families and communities
It is important to realise that there are many non-state actors, and the solution regarding enforcing accountability is not the same for all of them. The family and community are singled out as a particular area of non-state actors because of their impact on women and to enable a clearer focus on both family/community. These actors are quite different from other non-state actors such as transnational corporations or fundamentalist political movements.

The profile of a traditional human rights defender often assumes family support for the activist. For many women human rights defenders however, this is not necessarily the case. Often communities pressure families to ‘keep their women’ in control’, and families and communities pressure women activists not to defy traditional norms. Enabling environments have to be created to support those women human rights defenders in situations where either the family or the community is a violator of their rights, rather than a source of support for them.

Sexual rights and sexuality-based attacks on women human rights defenders
Women activists by their very being, and even more so activists for women’s rights and sexual rights, challenge social formations based on patriarchal and hetero-normative (that is imposition of the heterosexual norm on all people) assumptions. These assumptions make all women human rights defenders vulnerable to being ostracized or ridiculed by their families or communities. There is a long list of labels for women when they work on human rights: ‘sexual deviants’, ‘frigid’ or ‘promiscuous’, ‘family breakers’, ‘bad mothers’, ‘heretics’, ‘witches’, ‘adopting foreign values or ways’, etc.

One of the most powerful attacks against defenders of women’s rights is ‘sexuality baiting’. It is the manipulative use of prejudices about women’s sexuality to intimidate, humiliate, stifle and discourage women from addressing issues of sexuality (whether LGBT rights, marital rape, female genital mutilation, etc.). Often women activists are threatened by these accusations and labels to try to keep them from being active on women’s rights or other human rights issues, even if they are not discussing sexual rights.

Denying these issues does not make it safe for women human rights defenders. Rejecting these labels does not take the power out of these words. Only by confronting the attitudes that give power to these labels, and building support for those who face them will take away the power of these labels to create fear.
Conclusion
The international consultation is just the beginning, not the end of the process of protecting women human rights defenders. Many more issues have been left out of the program, and the consultation will open up new issues. But even if all issues are not addressed at this point, the organisers want to emphasise that human rights are indeed indivisible, and some human rights cannot be traded off for others. Economic and social rights are as important as political and civil rights; addressing the state, and accountability of family/community and other non-state actors are all vital to defending women human rights defenders.

The WHRD-ICC cannot commit to do everything. Members of the ICC will continue to work on women human rights defenders beyond the consultation. But like the participants, it will build on the results of this international consultation to determine what to do next. This particular coalition emerging from the campaign may or may not continue – but all the members will continue to work on the evolution of an understanding of women human rights defenders and to create more effective mechanisms to defend and advance this vital work.

Notes
* Charlotte Bunch is Executive Director of the Center for Women’s Global Leadership (CWGL), Rutgers University, USA.
Part 3: Problems and Obstacles faced by Women Human Rights Defenders
One: State violence against women human rights defenders in Latin America

Ruth del Valle Cóbar*

The lack of authorities’ commitment to tackle difficulties faced by women human rights defenders is most obvious during judicial proceedings and investigations. Investigations into offences committed against women human rights defenders are frequently veiled in secrecy, inconsistencies and irregularities. The perpetrators seek to cover up their crimes and obstruct the course of justice. Most frequently, allegations are not taken seriously and no judicial investigation is initiated. Progress on a small number of cases is mainly the consequence of pressures from the international community.

Introduction

This paper summarises experiences of women human rights defenders in Latin America. It focuses on the impact of attacks committed by state agents against women who defend, protect, and promote human rights.

In several countries in the region, states claim they recognise the importance of work carried out by women human rights defenders, but in most cases they are only paying lip service. State actors are responsible of most of the different forms of attacks committed against women human rights defenders. In post-war countries, the state continues to be responsible for these attacks, either through direct involvement or due to omission.

State repression of activism

There is a long tradition of repression of men and women human rights defenders in Latin America. No words or statistics can truly reflect the risks defenders face because of their activism. Activists have been victims of killings, torture, disappearances, arbitrary arrest, death threats, harassment, defamation, and restrictions to their freedom of expression, association and movement. On many occasions, their children and other relatives have been the target of attacks.

Challenging states in Latin America and the Caribbean, including powerful political, military and economic elites, in regard to their human rights obligations continues to be a dangerous task: Amnesty International has documented more killings of both men and women human rights defenders in this region than in any other region of the world.

In some instances, the persecution of human rights defenders takes on emergency characteristics. Since August 2002, at least 15 human rights defenders and trade unionists have been killed in Colombia. In Guatemala, one of the 18 human rights defenders killed between 2000 and 2003 had his tongue and ears removed. In Honduras, several environmentalists and one human rights lawyer were killed between 2001 and 2003. In many countries, excessive and indiscriminate use of force during demonstrations has resulted in a high number of killings, arrests and cases of torture of those exercising their right to peaceful assembly.

Amongst the new tactics used by states against women and men human rights defenders, two are of particular significance: the use of judicial proceedings against activists, and campaigns to
discredit their work. In some cases human rights defenders are held accountable for disturbances committed during and after public demonstrations, when in fact, state actors infiltrate these protests. Criminal cases have also been brought against defenders who are active in areas where state action is ineffective.

Cases have been filed against lawyers and human rights defenders who provide legal services to landless peasants who occupy land or demand their labour rights. Furthermore, these human rights defenders face arrest for organising or attending social protests and meetings. Examples include the experience of the piqueteros in Argentina, and police repression and judicial complaints against leaders of social meetings in Guatemala. Human rights defenders risk judicial actions because they dare to denounce corruption, abuse of power, lack of accountability, and because they seek justice.

Amnesty International also documented a rise in the number of raids and break-ins on the premises of human rights organisations or their homes. Large numbers of reports of such incidents were recorded in Guatemala and Colombia, and a worrying number of cases were also reported in Ecuador, Panama, and Mexico.

During such raids, perpetrators get hold of important information, regarding witnesses or the details of specific individuals, amongst others. In virtually all cases, valuable items were left untouched, but computer data were copied and files removed. This kind of intelligence tactic is used to complement existing information that states already possess about defenders’ organisations, with the purpose of undermining their work and further disrupting their activities. Investigations of such break-ins are virtually non-existent and members of the police force frequently fail to even visit the scene of the crime, arguing that if the raid was not significant, it is not worth taking fingerprints.

Another type of violation committed by state actors is the use of slander campaigns to discredit the work done by activists. This is one of the forms of violence used against defenders in Guatemala. Government as well as non-state actors are at the origin of such campaigns. It is ironic that the government, which is supposed to protect all citizens, denies such protection to human rights defenders on the pretext that it is supposed to protect everyone and cannot privilege human rights defenders.

Another strategy employed by governments is to damage the reputation of human rights defenders. A recent evaluation of the state of human rights in Central America documented the various ways employed to discredit human rights defenders. These include complaints and accusations against human rights defenders who are in debt over purchases of home appliances; human rights defenders accused of extra-marital affairs; and women activists labelled as ‘lesbians or prostitutes’.

In Guatemala, since the creation of the Ombudsman’s Office who has advocated for the due process rights of all individuals to be respected, a campaign characterising human rights defenders as defenders of criminals has been launched. This is targeted against defenders who stand up to defend due process rights and advocate against the death penalty.

Governments also accuse human rights defenders of exaggerating the attacks they suffer or manipulating information in order to secure international funding. These types of accusations are transmitted directly to other governments,
embassies and the international community at large with the purpose of discrediting the human rights defenders’ work. It is unfortunate that former social activists and human rights defenders, who are now part of the government, are sometimes involved in these smear campaigns.

How can women human rights defenders work... in a machista culture where they are seen as ‘less worthy women’ because they dare to organise and defend their rights?

The media is also complicit in this charade. It contributes to discrediting activists by demanding that controls be put in place when organisations receive international resources. The agenda of media groups is easily influenced by private interests, especially economic, not social needs and social priorities. Accusations against human rights defenders have sometimes been actively promoted by government-sponsored media in an attempt to detract public attention from or discredit the serious concerns raised by defenders. Sadly, the overall impact of such publicity, whether intentional or not, has been to spawn a false perception that respect for human rights is contrary to security interests of citizens.

Attacks against women human rights defenders

It is important to note that women are at the core of the human rights movement in Latin America. Women launched the movement, during the 1970s and 80s, through the action of the daughters, sisters and wives of people who were killed or disappeared during the war.

Men were represented as the heroes in this war. They were those that went to fight and lost their lives. The women raised their children and their voices against the government. They took their campaign to the streets. They were labelled as ‘crazy’ or plain ‘mad’ by the government media. They left their houses and ‘private’ work to go out to the streets and face the public.

Women human rights defenders are attacked everywhere. The same holds true in Latin America. Such is the case of women human rights defenders who have been raped – as rape continues to constitute a weapon of war. This is often followed by a lack of investigation or misuse of the investigations, which even turn against women activists. This form of torture, in most of the cases, it is not investigated.

Ill-founded or vague defamatory statements by those in positions of authority denigrating human rights work create a climate of official and public hostility towards human rights issues. In such an environment, attacks against women human rights defenders were not only seen as justified, but even desirable. That is why it is so difficult to fight against them.

The lack of authorities’ commitment to tackle difficulties faced by women human rights defenders is most obvious during judicial proceedings and investigations. Investigations into offences committed against women human rights defenders are frequently veiled in secrecy, inconsistencies and irregularities as the perpetrators seek to cover up their crimes and obstruct the course of justice. Most frequently, allegations are not taken seriously and no judicial investigation is initiated. Progress on a small number of cases is mainly a consequence of pressures from the international community.

Organisations of women human rights defenders have engaged in discussions with government officials to no avail. The state appears to engage
in a dialogue of the deaf, to appease the international community, because in reality it remains a farce. The results of the discussions are never put in practice and in most cases, dialogue is discontinued because of inconsistencies on the part of the government.

The attacks against women human rights defenders clearly affect their work and reputation. Women are demoralised and put on the defence. A classic case is that of women activists who have had to leave their homes, together with her children, because their safety is threatened. It is more difficult to protect a woman human rights defender who is at risk because she will move with all her children, while a male activist usually moves by himself and his wife stays behind with the children.

How can women human rights defenders work in countries dominated by ‘machismo’ where they are judged if they have to leave their homes to seek safety? How can they work as activists if they have to protect their whole families? How can they avoid defamation in a machista culture where they are seen as ‘less worthy women’ because they dare to organise and defend their rights?

**Conclusion**

The course of action is clear for women activists, but it has to be clear for all. Society must change its patriarchal mentality. Society must be sensitised so that people understand that women have the right to defend, protect and promote human rights for all. They are not less worthy because of that or because their sexual choices are different.

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**Notes**

* Ruth de Valle Cobar is the Executive Director of Movimiento Nacional por los Derechos Humanos, Guatemala.
Two: When women’s human rights defenders face political non-state actors

Marieme Helie Lucas*

There is a slow process within human rights organisations that started twenty years ago: it aims at fully incorporating women’s rights within their mandate. Hence, domestic violence, committed by non-state actors, is now taken into account. But there is one area that urgently needs to be addressed: when the perpetrators of violations are political non-state actors that attack women’s human rights defenders. Focusing on state accountability and due diligence alone have perilous effects on women’s human rights and on their defenders.

Introduction

This conference marks the beginning of a new era: for the first time human rights and women’s rights organisations are coming together to define the concept of women human rights defenders and to devise specific strategies in their defence. This paper will focus on one specific aspect of the defence of women human rights defenders: when the perpetrators are political non-state actors.

This conference is an opportunity to look into a vacuum, which has further marginalised women human rights defenders. Traditionally, human rights organisations have focused on state accountability. There is no doubt that this is crucial, and should not be weakened in the process of taking into account responsibility of new actors. Traditionally too, when human rights organisations could not ignore crimes committed by non-state actors, they would use the concept of ‘due diligence’ and focus on state accountability to ensure the protection of all citizens. This is the way in which they have been addressed domestic violence and the responsibility of families in honour killings, for instance. However, there are instances when states are unable to ensure the protection of citizens and when the responsibility of non-state actors cannot be subsumed under state accountability. This is especially the case in situations of armed conflicts.

The world has changed since the inception of human rights organisations half a century ago. Wars are no longer waged only between two armies of two nations. Most armed conflicts in the world today take place between two non-state actors, or one state and one non-state actor, struggling for control over the state apparatus. It involves non-regular armies or armed forces. Frequently, the population is caught hostage between these forces, whether they are taking side or not. Terror over the population has become a weapon of war. This is why, instead of ‘civil war’, the new concept of ‘war against civilians’ has been coined in Algeria, during the conflict that culminated in the 1990’s between the state and the Islamic Armed Groups (Groupes Islamiques Armes or GIA). Women are on the front line, as first targets of terrorist violence.

In Afghanistan, at the time of the Soviet occupation as well as in Algeria in the 1990s, the exclusive focus on state accountability has led to situations where victims of state repression were supported by human rights organisations, while victims of non-state actors were ignored. Similar situations have occurred, over the past twenty years, in other countries where the same kind of political non-state actors were at work, such as in Afghanistan, Palestine, and Iraq. This had several consequences and it will be examined in this
paper, using concrete examples from Algeria. The conceptual problems raise here are applicable to many of these situations where political non-state actors, such as fundamentalist armed forces, have a double identity — both as victims of state repression, and as perpetrators of violations of human rights in general, and of women’s human rights in particular.

**Persecution of women and women human rights defenders**

In Algeria in the 1990s, estimates are that there were about 150,000 to 200,000 victims of the war against civilians, many of them at the hands of fundamentalist armed groups. During this period, women have been threatened, disappeared, killed, tortured, mutilated, raped, burnt, and forced into domestic and sexual slavery in military guerrilla camps by the GIA. While most men were attacked by fundamentalists because of their defence of rights, women were attacked both as defenders of rights, and as women per se.

One can decide to avoid being a journalist or an artist, but one can hardly avoid being a woman. And being a woman was enough reason to be attacked by fundamentalist armed groups. Women were attacked regardless of their social status, profession, faith, dress code, etc. Women were killed for stepping outside their houses; they were also killed, kidnapped or raped while inside their houses. There was no safe haven for women. They were attacked just because they were women who put in practice, against fundamentalists’ orders, their basic rights. This explains why among women victims, one can find side by side, women wearing veils or head scarves and women unveiled; conservative women who could live under a fundamentalist regime and women totally opposed to it.

**Invisibility of victims of non-state actors**

The almost exclusive focus on state accountability can be seen in the annual reports of major human rights organisations. At the peak of the killings and massacres by fundamentalist armed groups, these reports still devoted as an average eight times more pages to victims of state repression than to victims of non-state actors. Human rights organisations documented violations by the state, but victims of fundamentalist non-state actors were almost invisible.

There were many women among the victims of fundamentalist armed groups, while fewer of them were victims of state repression. As a consequence, on one hand, very few women were supported by human rights organisations. On the other hand, the predominantly male victims of state repression benefited from their full support. This created an imbalance between men and women victims of human rights violations and of defenders. It also made both women victims and women defenders invisible. Moreover, many women defenders were
denied the status of victims. Thus the question is: are some victims ‘less victims’ than others, depending on who violates their rights?

In the rare instances when a handful of those that have suffered in the hands of fundamentalist armed groups were supported by human rights organisations, it was as victims, hardly as defenders. Women human rights defenders have been largely ignored for the reasons that they were generally not victims of the state, and their persecution by fundamentalist non-state actors as a consequence of exercising their fundamental rights was not seen as a human rights violation against defenders.

For example, Katya Bengana was a young student, age 17, who consciously defied the fundamentalists’ orders in defence of women’s human rights: the right to freedom of belief and the right to freedom of movement. She decided that she will not cover her head despite orders of fundamentalists that women should be veiled. She also decided to go to school despite fundamentalists’ orders that no one should go to a state school. State school, like any other state-run facility, was claimed to be a seat of non-belief or blasphemy (’kofr’), i.e., unbelievers were liable of death penalty, according to fundamentalists’ version of Islam.

When she made these decisions, she told her parents that her life was at risk, but that she had to defend women’s rights. She was assassinated. During a ceremony that took place in Algiers organised by RAFD (Rassemblement Algérien des Femmes pour la Démocratie/ Algerian Assembly of Women for Democracy) and attended by all Algerian women’s organisations in her memory, her father made a very moving public statement acknowledging his daughter as a women’s human rights defender. Katya remains as a one of the rare cases of women victims taken up by a major human rights organisation. But while she was acknowledged as a victim, she was not recognised as a human rights defender.

During these terrible years, all women who, against fundamentalists’ orders, decided to exercise their rights and send their children to state schools, to go out of their houses, to go to work, and to leave their houses unveiled were not just victims of barbarity, but were defenders of human rights. They should be recognised and honoured as women human rights defenders by the international human rights community.

Ten years ago, the Algiers-based women organisation RAFD, set up an award for women who resist fundamentalism: the “Women Resisters Against Fundamentalism and Oblivion Award”. On March 8 every year, RAFD nominates awardees and honours women defenders, in many instances posthumously. This award should be known the world over and the women it honours in Algeria should also be honoured by all women human rights defenders and the international human rights community.

A dangerous continuum of violations

Another consequence of the exclusive focus on state responsibility by human rights organisations is that political non-state actors are presented exclusively as victims of state repression, while their responsibility as perpetrators is underplayed. It is undeniable that their basic human rights should be defended, including their right to fair trial, right against arbitrary detention and torture, etc. However, it should also be equally clear that they should be prosecuted as perpetrators, and the rights of their victims should be defended as well.
This is not what happened in the case of Algeria. During a full decade of killings and massacres by the GIA, human rights organisations have persistently invited the representatives and/or defenders of fundamentalists to their functions. At every single function on violence in Algeria either the lawyer of fundamentalists, benignly introduced as ‘a human rights lawyer’, or other supporters were invited to speak as representatives of ‘victims’. The victims of fundamentalists were just not there. Numerous reports on violence in Algeria, produced by different human rights organisations, were drawn exclusively from information given by supporters of fundamentalists in the guise of human rights defenders. Our attempts, as women’s rights defenders, to organise interaction between victims of violence by non-state actors and international investigation teams that came to Algeria were ignored. The teams were satisfied with reporting on victims of state repression only. When meetings actually took place between women victims of fundamentalist armed groups and the investigation teams, the information gathered on these occasions were not reflected in the unethical one-sided reports that were made public.

During the Human Rights Defenders Summit in Paris in 1998, the major international human rights organisations planned the launching of 300 white balloons from the Human Rights Square, each of them carrying the name of a person who disappeared in Algeria. The leaflet distributed to international participants at the Summit clearly specified that those being remembered were those who disappeared in the hands of the state (i.e., the police or army). Despite personally alerting the Secretary General of one of the organisers and requesting that the leaflet be modified to include all those who were disappeared, be they at the hands of the state or at the hands of non-state actors, no changes were made in the leaflet or the ceremony.

Moreover, when three victims of fundamentalists’ attacks held a banner during the ceremony that simply said “all disappeared”, they were verbally attacked and pushed aside by the organisers as troublemakers. One of these victims is a mother whose son, aged 19, was shot dead at their door step in place of his father, a targeted journalist who had fled Algeria the day before.

The ‘Families of Disappeared’, an organisation, which gathers exclusively the families of those who disappeared at the hands of the state, were officially invited to the Summit and given full visibility. Failing to be recognised and protected by human rights organisations, the families of those who disappeared at the hands of fundamentalist non-state actors had to set up a different organisation for their defence: ‘Families of Victims’. This organisation was not invited to the Summit.

This division of victims is one of the worst consequences of the exclusive focus on the state. It induces a sort of ‘privatisation’ of rights: the rights of one category of victims being defended only by people who suffer the same abuses from the same perpetrators; while the rights of another category of victims is to be defended only by those victimised by the same abusers. As if it were not, and should not be, everybody’s concern when people – whoever they are – are tortured, killed or their human rights violated. Fundamentalist armed groups were given visibility and support and they were also given a political platform to express their views in their capacity as victims. As a result, fundamentalists have become acceptable partners. By extension, their
ideology, presented by ‘moderates’ as minority rights or right to difference, is now seen as acceptable, too. This blatantly ignores the political extreme right nature of the Islamic fundamentalist movement, which aims at suppressing democracy – whether by armed struggle or by the vote – in order to replace it with a theocracy. In the very words of Ali Belhadj of the Islamic Salvation Front (FIS), announcing in 1990 (i.e., long before the elections took place) that, if his party were to win there will be no more elections in Algeria ever: “If we have the law of God, why should we need the law of the people? One should kill these unbelievers (kofr)”.

The complexity of situations that involve political non-state actors (must) not be over simplified. In today’s political realities, responsibility of non-state actors must be addressed directly.

There is a dangerous continuum of violations by fundamentalist non-state actors as illustrated in the case of Algeria: Firstly, fundamentalists are identified as victims, because they are victimised by the state, but their double identity both as victims and as perpetrators is not acknowledged. Secondly, as victims they are granted support that is denied to their victims. As an example, fundamentalists, including war criminals, received full support in their request for political asylum in Europe, while those they persecuted were denied asylum because they were not victims of the state. Thirdly, they are given a platform, which they use to air their views and to become the preferred interlocutors on violence in Algeria and on religious rights.

The politics of human rights
The argument repeatedly put forward by human rights organisations over the past twenty years, is that their mandate is to denounce human rights violations, and that they are apolitical.

However, how can human rights be protected when political forces come to power that openly want to reduce, in the name of religious rights, the rights of people from other religions or of no religion, and women’s human rights? This gives rise to a hierarchy of rights, where women’s rights come last, after religious rights, after minority rights.

How can human rights be protected when political forces come to power that aim at terminating democracy, i.e., the laws of the people, which are by definition changeable according to people’s will, and replace it by the theocracy, i.e., the law of God (fundamentalist version), which is by definition unchangeable, a-historical? How can one claim that human rights will be safe if a rather undemocratic and corrupt regime is replaced by much worse: a fascist-like, Taliban-like regime?

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How can the consequences of repeated disregard by human rights organisations of violations by non-state actors be ignored, when we now have several experiences that this lapse has been instrumental in bringing down states that indeed did not keep up with human rights standards, and subsequently, inevitably bringing to power regimes that have done away with whatever human rights was left by the previous state?

The consequences of exposing only the state and allowing fundamentalist non-state actors to become so powerful to take over the country can be seen in Iraq today. In the name of democracy, Iraqi women, who were once more free and more educated than other women in the Middle East, are now terrorised under the boot of religious parties that replaced the previous authoritarian government. A similar situation would have occurred in Algeria a decade ago, had women not so strongly objected to human rights organisations’ focus on state accountability only. Women rightly feared that this will further destabilise the present state and subsequently bring to power a theocratic state that would be much more dangerously regressive for women’s rights.

As women human rights defenders, we have to question the hierarchy of victims and defenders that have resulted from the over emphasis on state accountability.

This is where the focus on state accountability, leading to such an imbalance in reporting on crimes committed by non-state actors and to discrimination between victims of the state and victims of non-state actors, plays into politics. The systematic disregard of a category of victims and the systematic highlighting of perpetrators as victims alone is a political stand. Denouncing this hidden political position is not easy.

The three founding members of a major human rights organisation in Algeria experienced this difficulty in a very drastic manner. In the mid-1990s, they wrote a personal letter to the Secretary General of their organisation, asking why the numerous reports they sent on crimes and violations committed by non-state actors were never used in annual reports and campaigns. They explained how painful it was for them, as founding members, to see that Algerian people were now more and more hostile to an organisation they once revered as their defender, in view of its one-sided reports. This letter did not receive any answers, but the founding members were immediately expelled from their organisation. As for all the women human rights defenders who protested against these one-sided human rights reports, they were branded ‘supporters of the state’, regardless of the fact that many of them were victims of state repression - and of non-state actors as well.

Direct responsibility by non-state actors

By exposing the shortcomings of an exclusive focus on state responsibility, the conclusion is certainly not that one should ignore violations committed by states in such circumstances. State accountability is still a priority for women human rights defenders. It is simply demanded that the complexity of situations that involve political non-state actors not be over simplified. In today’s political realities, responsibility of non-state actors must be addressed directly, not through due diligence, which would amount to reverting to state accountability.

The abuse of the ‘due diligence’ argument, where states are made accountable for violence by non-state actors, catches the state in a double bind: if
it does not protect citizens from fundamentalist violence, it is accused of tolerating this violence; but if it fights fundamentalists, it is accused of violating their human rights.

Europe and North America are presently experiencing fundamentalist violence through the bombings of several capital cities. Despite logistical means that far exceed those of many other countries, European governments have shown their inability to stop this form of violence without committing various violations of human rights against the perpetrators of the bombings and their political movements.

While due diligence is still very useful in some cases, in others it is counter productive and leads to exonerating perpetrators from their responsibilities in crimes and violations. One has to acknowledge the fact that the world has changed, that political non-state actors are more and more numerous, more and more powerful. The concepts designed to defend human rights in the past need to be revisited and new strategies to be devised to account for new realities. Adequate new legal instruments need to be developed towards direct accountability by non-state actors. The help of UN Special Rapporteurs will be valuable in exploring this new terrain.

Conclusion

As women human rights defenders, we need to highlight the fact that bringing down undemocratic regimes, wittingly or unwittingly, in the name of human rights, and allowing their replacement by forces that will further erase human rights and specifically women’s rights cannot be seen as a healthy process for the protection of human rights. We need to question the present strategies and to find new ones that will actually enhance human rights and women’s rights. We should subsequently make sure that the defence of fundamentalist non-state actors actually remains within the limits of strict defence of their basic human rights: it should not expand into offering them a political platform.

As women human rights defenders, we have to question the hierarchy of victims and defenders that have resulted from the over emphasis on state accountability. We have to redress the imbalance in the defence of the rights of victims of non-state actors versus the rights of victims of state repression. We have to give visibility to those who have hardly been acknowledged. As women’s human rights defenders, we have to address the question of conflicting rights: we should not accept a hierarchy of rights that would put women’s rights last.

Notes

* Marieme Helie Lucas is a founder of Women Living Under Muslim Laws, an international solidarity network that advocates for women’s equality and their rights in Muslim contexts.
Three: Challenges of women activists in the family/community in Africa

Ndye Nafissatou Faye*

In some ways, it is easier to act against direct aggression by the army or the police. But moral and verbal abuses against women human rights defenders are more difficult to deal with. They are difficult to prove or fight against. In this regard, accusations from religious leaders advertised in the media against women human rights defenders are particularly harmful and insidious. When religious male authorities use the media to accuse women human rights defenders of religious transgressions, that "they are not Muslim women," there can be severe repercussions from family and community.

Introduction

In many societies, a woman is expected to remain in the domestic sphere, and not venture into the public. This is the case in Senegal, a West African nation. The woman is confined to the roles of mother, sister or daughter, and religion legitimises this social pattern and relations.

This paper looks briefly at some issues in this regard. The perspective is that of a women's network in Africa committed to provide access for women in decision-making and changing gender-biased laws. It also reflects the personal views of the author as a mother of a two-month-old baby whom she is breastfeeding and did not want to leave behind.

Often, the only ‘shelter’ is but a woman human rights defender’s home.

Fears, tears and challenges

Ninety per cent of the population of Senegal is Muslim, with long-lasting traditions and customs. This translates into religious pressure on and particular challenges for, the work and lives of women human rights defenders.

There are three core challenges for women human rights defenders in Africa. The first is being a woman in a society strongly grounded in a patriarchal religion. The second is being an African woman in a deeply male-dominated place and space. The third is being an African woman defending human rights.

The cultural, religious and political issues confronting women and women human rights defenders in Africa are overwhelming, to say the least. A clear-cut cultural practice, such as "female circumcision", which needs to be challenged and changed, is simply a taboo social subject not to be discussed. Decision-making on this or many other issues pertaining to the rights of women are in men’s domain, where women are excluded.

So how do family and social pressures work against women human rights defenders? Simply put, the impact is one of suffering, fear and false accusations. Examples abound. When a woman activist engages in work that entails her to leave the home or the ‘private’ domestic sphere to participate in demonstrations or meetings,
family and children are made to suffer; husbands threaten divorce.

There are few places women can go to when they experience violence. Often, the only ‘shelter’ is but a woman human rights defender’s home.

The fears are real. Women human rights defenders in these societies fear rejection and ejection vis-à-vis the family and community. Very often, the fear is that it is the last time they will be allowed by their husbands to leave the home and attend public meetings. Even worse, the fears are related to blatant aggression against women human rights defenders that have happened and will continue to happen because there is a real stigmatisation of feminists in African societies.

The most unfortunate impact is that women human rights defenders are made to feel guilty and opt out of human rights campaigns. Faced with the dilemma of losing family, friends and a place in the community – because of the work they do – women human rights defenders begin to question the worth of their work.

Conclusion

Africa will suffer when women’s participation in the human rights movement continue to decline. Therefore, there is a need to transform the obstacles faced by women human rights defenders in the family/community.

Notes

* Ndeye Nafissatou Faye works with Reseau Siggil Jiggen, Senegal.
Four: Defenders of sexual rights and sexuality-based attacks against defenders

Cynthia Rothschild*

Defenders of sexual rights, LGBT activists, and defenders who are antagonised through the strategic use of ideas about sexuality may have very different political agendas. But they do have at least one thing in common: their roles as activists and advocates are subject to scrutiny, judgment and punishment by actors who disapprove of their work, or in some cases, their very identities. Although LGBT defenders are just one subset of sexual rights defenders, they face specific risks and punishments that most other defenders do not, largely because of the linking of their “criminalised identities” with their “demonised advocacy”.

Introduction

Sexuality can and have been used as a tool against women advocates. This form of attack has been directed not just towards defenders of sexual rights, but others whose defence of rights is not related to sexuality at all. In these circumstances, ideas about sexuality are used or ‘deployed’ to harm the reputation, organisation and agenda of defenders.

Defenders of sexual rights and those who engage in LGBT advocacy are often perceived as threats to traditional social order. As a result, these defenders are punished severely,….

This paper examines the ‘space’ in human rights work where the personal and the political intertwine; where the political experiences of defenders as well as basic emotional and psychological factors converge in one so-called ‘temple’ - the body. It blends together three main themes related to sex and sexuality in the context of the work of human rights defenders. The main themes are: (1) experiences of defenders of sexual rights; (2) experiences of defenders who are working on lesbian, gay, bisexual and transgender (LGBT) rights in particular and/or identify themselves in this category of people; and 3) use of sexuality itself as a weapon to attack defenders because of their advocacy.

Sexual Rights – definitions, clarifications and experiences of defenders

“Sexual rights” mean many things to different people. Among other issues, sexual rights include the right to choose one’s partner/s; the right to freedom from violence, discrimination and coercion in decision-making on matters related to sexuality and reproduction; freedom from forced or early marriage; freedom from arbitrary imprisonment, torture, cruel, inhuman and degrading treatment; and the rights to privacy and information.

In the context of human rights, sexual rights can simply mean interpreting sexuality into existing human rights analyses and standards; or looking at ways in which sexuality can infuse new meaning into evolving human rights standards. Advocacy for sexual rights covers both civil and political rights, as well as economic, social and cultural rights.

Defenders of sexual rights, who are both women and men, advocate for a range of rights related to sexuality. They assert claims to services, education and information on sexual health,
including that related to HIV prevention or abortion. Some sexual rights defenders even advocate for the right to pursue pleasure.

The work of sexual rights defenders is often controversial. This is not coincidental, given the religious, cultural and political stigma surrounding issues such as abortion, homosexuality and the rights women claim to make decisions about their bodies, whether in matters of family, reproduction or sexual orientation or gender expression. The controversy can and does lead to risks, threats and assaults by state actors (such as police or prison officials); community actors (these include religious officials, media, health authorities); or family members (who are most often males).

Even UN experts have begun to recognise that individuals and groups engaged in rights-based work on sexuality issues are especially at risk for abuses. The UN Special Representative on Human Rights Defenders noted in her 2001 report to the UN Commission on Human Rights that “greater risks are faced by defenders of the rights of certain groups as their work challenges social structures, traditional practices and interpretations of religious precepts. These groups are often very vulnerable to prejudice, to marginalisation and to public repudiation, not only by state forces, but other social actors.” (Report of the Special Representative of the UN Secretary General on Human Rights Defenders, Commission on Human Rights, January 2001, E/CN.4/2001/94)

Sexual orientation, gender identity punished by a wide range of perpetrators

A subset of sexual rights activism is the defence of rights related to sexual orientation and gender identity. This is sometimes referred to in shorthand as “lesbian, gay, bisexual and transgender (LGBT) rights”. It is important to note that for complicated reasons, these ‘labels’ and identities are not necessarily embraced globally. Not all people who engage in same-sex sexual behavior claim the identities of lesbian, gay, bisexual or transgender.

LGBT persons and defenders of LGBT rights are particularly vulnerable to physical or social attacks. This is so because of social norms, policies and regulations imposed by actors in the state, family, or community or simply the social, cultural and religious rules that control sexuality, gender expression and, often specifically, women’s bodies. In fact, these norms, policies and regulations are not specific to sexual orientation and gender identity. They apply to a range of identities and issues, including, but not limited to: legal precepts that determine age of consent (when sexual activity is seen as ‘legal’) or age of marriage for women; familial practices that give permission for so-called ‘honour killings’; health policies that allow “virginity testing”; and sodomy laws that penalise homosexual conduct.

In many ways, sexuality can be and is used as a powerful weapon against individual defenders of human rights, their organisations and their political aspirations.

Many of these policies are rooted in misogynist, sexist, homophobic and heterosexist beliefs. Similar beliefs inform the punishments meted out to defenders working on these issues. Defenders of sexual rights and those who engage in LGBT advocacy are often perceived as threats to traditional social order. As a result, these defenders are punished severely, often by those intent on protecting and regulating traditional gender roles.

Sexuality and gender are controlled - albeit sometimes in different but often similar ways -
both in the global North and South. Sexual rights defenders and LGBT defenders are not protected against risk in any particular region. Across the world they are subjected to arrest, torture, fines, or beatings within their communities and families. Many of them are prohibited from working efficiently or stopped from working altogether by way of restrictions on their organising or expression.

A recent case that drew international attention is that of Fannyann Eddy, the founder of the Sierra Leone Lesbian and Gay Association. Fannyann worked in a very public context defending the rights of lesbian and gay people in Sierra Leone. She lobbied governments to address human rights violations surrounding sexual orientation and gender identity. Fannyann was brutally murdered in her office and while the motives for her death might never be known, it remains true that she had a significant public profile and had experienced public harassment as a result of her identity and activism.

Consider also the case of Vanessa Ledesma, a well-known transgender activist in Argentina. She was arrested because she called for a police investigation into violence directed against the transgender community. She was so severely tortured while in custody that she died two days after her arrest and detention. An autopsy revealed that Vanessa’s death was directly connected to injuries sustained while in custody, contrary to police claims that she died because of a heart condition.

Compared with violations by state agents, abuses within the family and the community are difficult to surface and punish. Such violations are often seen by authorities as a ‘private issue’, beyond the control of the state. This is of critical concern for defenders seeking investigation and redress for abuses perpetrated by spouses, partners or parents.

One such complicated example is the case of Tina Machida, a lesbian activist from Zimbabwe. Tina’s parents forced her to marry someone they knew was repeatedly raping her with the intention of curing her from her so-called ‘illness’. State agents have responsibilities in circumstances like this, but they are unlikely to intervene, even in cases of aggravated sexual assault.

Many human rights organisations are also not quick to address violations in the private sphere. They often struggle to place abuses from family and community within the mandate of their work.

In some instances, family, community and state actors work together to punish or restrict sexual rights defenders. Lines of responsibility are blurred among these various types of actors.

In some instances, family, community and state actors work together to punish or restrict sexual rights defenders. Lines of responsibility are blurred among these various types of actors. For instance, medical authorities and the police are known to work together, often with the consent and active engagement of family members, to restrict both the movement and activities of sexual rights and LGBT activists. These defenders sometimes face psychiatric incarceration against their will, and they are forced use of psychotropic drugs to ‘cure’ what is seen as deviant sexuality.

Amnesty International has documented the case of a young lesbian activist who was detained and beaten by the Russian militia. With the involvement of family members, she was
threatened with institutionalisation and psychiatric treatment if she did not cease working with a lesbian youth organisation in Russia.

**Threats and abuses against sexual rights defenders**

Defenders of LGBT and sexual rights also struggle for the rights to freedom of assembly and expression. This includes the right of LGBT organisations to be registered and recognised by the state in order to function as legal non-governmental organisations. LGBT or sexual rights defenders are sometimes denied rights because they are accused of contributing to “public immorality” or “creating public scandals.” In other circumstances, political authorities deny their rights to organise in public because of alleged ‘security risks’ to the general population or to the activists themselves.

In 2005 and 2006, LGBT defenders’ rights to assembly were restricted in a number of Eastern European cities. The authorities concerned denied permits to organise public ‘LGBT Pride events’. In a recent case, 65 LGBT activists were arrested in Poland for marching in an “Equality Parade”, an event for which the organisers were refused a permit by the authorities.

Sexual rights defenders are also subject to verbal attack by political and religious leaders. Often, the attacks are planned to distract the public from other political or economic issues. Public authorities antagonise LGBT and sexual rights defenders to generate homophobic or misogynist hatred of the community, and consequently mobilise public support. They highlight ‘morality’ and ‘tradition’ in their campaign to influence an election or a policy issue. In this context, defenders often find that their work and their actual identities are fodder for political attack.

Political and religious leaders antagonise sexual rights activists and the LGBT community in their public rhetoric because their identities and rights are deemed indefensible. It is precisely for this reason that human rights organisations must pay particular attention to the experiences of these activists.

**Sexuality-baiting**

“Sexuality-baiting” and “lesbian-baiting” are experienced by defenders of all human rights. These attacks are even targeted at defenders who do not work on issues of sexuality. 1 The terms describe a particularly potent practice in which state and non-state actors intentionally use what they perceive as negative ideas about defenders’ relationship to sexuality, marital or reproductive status for a particular political outcome. This kind of baiting is strategically used to attack, undermine, demonise or destroy the reputations of defenders, their organisations and political vision. Sexuality itself is used because it is often seen as the most effective means of attack. “Lesbian-baiting” is one of the more effective methods, given the deeply held homophobic sentiments of most societies.

The media plays a specific role in attacking and tarnishing the reputation of sexual rights defenders and LGBT activists. Like other actors, the media is also responsible for making sensationalised allegations about sexuality to embarrass or humiliate defenders, even when their work is not in defense of sexual rights. Media, sometimes in collusion with state and religious officials, engage in a host of baiting techniques, such as: divulging personal stories of sexual rights defenders; labeling them as “diseased”; “deviants”; “immoral”; “promiscuous”; and any other negative terms that allude to sexuality, relationship or reproductive status.
Religious authorities use sexuality-baiting against defenders of sexual and reproductive rights. This includes public threats of excommunication from the Church, and allegations of blasphemy directed at defenders for undermining or insulting the supposedly ‘God-given’ religious order. These charges are meant to stifle activism and the activists’ efficacy.

Individual activists, organisations and even UN experts can be baited. No one is free from attack if they are perceived as threats to the social order. One example is that of the International Gay and Lesbian Human Rights Commission, which was almost prevented from speaking on human rights and LGBT experience at a UN HIV conference in 2001. The government representatives that objected to their representation claimed that the UN was not a place for such “undignified discussion.” Certain UN Special Rapporteurs were also targets of right-wing campaigns and public government criticisms because of their work on sexual rights.

Sexuality baiting is directed at women who are in positions of public leadership, too. Hilary Clinton, a member of the US Senate, was attacked by a right-wing pundit in a publication entitled, Big Sister is Watching You – Hilary Clinton and the White House Feminists. A revealing passage from text on the website of the publishers (Power Prophecy) states:

Big Sister is Watching You proves Hilary is not only a lesbian and a communist. She is a New Age occultist deep into black witchcraft and communication with the dead. Her gal pals – Janet “butch” Reno (US Attorney General in Bill Clinton’s administration), former stripper poet Maya Angelou (African American poet who received the Nobel Peace Prize for Literature in 1993), and others—are also outed for the first time. Discover the dark powers Hilary Clinton has over her husband, Bill, and what America’s most powerful woman plans to do after she herself becomes President in the year 2005.

In 2002, a town councilor in Brazil was lesbian-baited by government officials when she initiated an investigation into a bribery scandal. The same year in Malaysia, the director of a women’s organisation found herself at the center of a scandal when religious officials issued a fatwa in retaliation for her campaigning for monogamy. She was asked by authorities: “What right do you have to question God?”

In Nicaragua, two women activists were baited in the national press for lending public support to the family of a young girl who became pregnant after being raped. They helped the family to secure an abortion for the nine-year old girl. As a result of their political work, the Roman Catholic Church called for their excommunication.

**Conclusion**

Defenders of sexual rights, LGBT activists, and defenders who are antagonised through the strategic uses of ideas about sexuality may have very different political agendas. But they do have at least one thing in common: their roles as activists and advocates are subject to scrutiny, judgment and punishment by actors who disapprove of their work, or in some cases, their very identities. Although LGBT defenders are just one subset of sexual rights defenders, they face specific risks and punishments that most other defenders do not, largely because of the linking of their “criminalised identities” with their “demonised advocacy.”

Judgments and punishments are exacerbated by geopolitical conditions not related to sexuality. In the current political climate, for instance, the
“war on terrorism” and policies related to state security have been used to crackdown on sexual and reproductive rights activism. The rise in fundamentalisms across the globe, including in North America, have made targets of sexual rights defenders. The attacks from fundamentalist forces take many forms, including derision in press, criminalisation in law, or violence in the family.

In many ways, sexuality can be and is used as a powerful weapon against individual defenders of human rights, their organisations and their political aspirations. Rights groups that engage in documentation must be familiarised with the language of sexuality in order to strengthen their reporting on sexuality-baiting and related issues. The heightened skills in this area would can and will challenge the impunity of those who inflict physical, emotional or verbal abuses against defenders of sexual rights and LGBT advocates. Since many human rights defenders experience sexuality-related violations, building organisational capacity in these areas would go a long way in promoting accountability, not only for state and non-state actors as perpetrators, but in the very political movements defenders call “home.”

Notes
* Cynthia Rothschild is a Senior Policy Advisor at the Center for Women’s Global Leadership, Rutgers University, USA.

Part 4: Strategies for the Protection of Women Human Rights Defenders
One: Notes on the UN Declaration on Human Rights Defenders

Julie de Rivero*

The Declaration reflects a change in paradigm about rights and defending human rights defenders. The conventional position was that human rights activists had to be prepared to be martyrs for the cause. That is no longer the case and should not be. All people are entitled to claim their rights and human rights defenders are no exception.

Introduction

The United Nations Declaration on Human Rights Defenders represents a milestone and a benchmark in the protection of human rights defenders. The Declaration spells out the international standards that protect human rights defenders. It promotes human rights activism, recognises the legitimacy of human rights work and protects defenders.¹

Mechanisms that have been created either at the UN or other regional systems all serve to enhance the protection of the defenders and their work. This paper looks at some salient aspects of the Declaration, as an advocacy tool that human rights activists can use at national level to claim their rights.

There is no strict definition of human rights defenders in the Declaration. It speaks both to individuals and groups that work for the promotion and protection of all human rights. It includes, inter alia, people who protect human rights whether in their professional or personal-volunteer capacity, as well as human rights NGOs, amongst others. The Declaration recognises people and organisations working on diverse human, economic, political and social rights, including the rights of specific social groups such as migrants or lesbians, gays, bi-sexual or transgender (LGBT) persons.

The Declaration clarifies the binding nature of human rights standards as they apply specifically to human rights defenders. It recognises for example, that as part of the exercise of the right to association – human rights defenders have the right to set up NGOs and participate in them. This is an important clause because it addresses the question of participation in NGOs in terms of rights. In many countries, participation in NGOs is a risky business, so the fact that this right has been internationally recognised makes it easier to advocate for such freedom.

The Declaration also clarifies how the right to freedom of expression, for example, applies specifically to human rights activists. Article 6c states “all human right activists have the right to study, discuss and hold opinions on the
observance, both in law and in practice, of all human rights…. This article also recognises that activists have the right to analyse the level of observance of human rights, and to “draw public attention to these matters”.

**Activists can use the Declaration to help support their claims that the work they do is legal and legitimate under international human rights law.**

Human Rights defenders can and should use this instrument when they are attacked for the work they do. Activists can use the Declaration to help support their claims that the work they do is legal and legitimate under international human rights law.

Many and long struggles lie behind human rights ideas. The struggles and ideas are often taken for granted today, but were once rejected by society. In this regard, the Declaration recognises the right to discuss new human rights ideas and promote them. LGBT activists are especially aware how their ideas are resisted and opposed to in and by society. The Declaration recognises the right to promote new ideas about human rights. This is yet another important aspect of the Declaration that LGBT activists can invoke in their defence.

The Declaration also protects the methods of work of human rights defenders. It recognises, for example, the right to criticise government policies that violate human rights, as expressed in article 8. It also recognises that human rights defenders are entitled to use specific methods of work such as attending public hearings and seeking redress under international laws.

Furthermore, the Declaration recognises the right to solicit and receive funding for human rights work. This is an issue of particular concern in the case of many governments that work against NGOs securing funds from international sources and accuse the latter of serving foreign interests.

The right to non-violent protests and demonstrations to denounce human rights abuses is also recognised in this instrument. In this regard, human rights defenders are obliged to use peaceful means and embrace the concept of universality of human rights.

**A paradigm change in thinking about rights**

When defenders suffer reprisals because of their human rights activism, the state has the obligation to protect them. Article 12.2 directs that “The State shall take all necessary measures to ensure the protection by competent authorities…against any violence, threats, retaliation de facto or de jure, adverse discrimination, pressure or any arbitrary action as a consequence of his or her legitimate exercise of the right referred to in this Declaration.” So human rights defenders are entitled to claim the protection of the governments, and states are expected to implement all the rights in the Declaration.

The Declaration reflects a change in paradigm about rights and defending human rights defenders. The conventional position was that human rights activists had to be prepared to be martyrs for the cause. That is no longer the case and should not be. All people are entitled to claim their rights and human rights defenders are no exception.

**Conclusion**

By protecting their activism, women human rights defenders can ensure that the issues that activists are advocating for are kept alive and never silenced. The Declaration can help claim such rights because it is a tool that can be used...
to remind governments of their international obligations and commitments in this respect. It strengthens the position of activists as defenders and opens the door for new advocacy strategies in this field.

Notes
* Julie de Riviero is currently Human Rights Officer at the Office of the High Commission of Human Rights, Cambodia. Previously, she was Manager of the Human Rights Defenders’ program of the International Service for Human Rights, Geneva, Switzerland.
1 A document prepared by the International Service for Human Rights contains a summary and examples of cases and practices relating to the Declaration. It explains each of the rights contained in the Declaration and the mechanisms that have been created in the United Nations, the African Commission, the Inter-American Commission of Human Rights and the European Union on human rights defenders. The document can be accessed at http://www.ishr.ch/about%20ISHR/HRDO/Regional%20Documents/Summary.htm#English
Two: Using the UN Special Rapporteur mechanism for the protection of women human rights defenders

Philip Alston*

The office of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions welcomes all information pertaining to extrajudicial killings in any country. The Office will pursue the reports, by way of visits to the countries concerned, complaints and communications to governments concerned and official reports to the United Nations General Assembly. But the process starts and is in fact enabled by human rights defenders on the ground.

Introduction

The United Nations system of Special Rapporteurs or Special Representatives goes back to the 1970s. The system represented thematic approaches to urgent and important issues that plague today’s humanity. Currently, there are about 40 individuals working on various themes. It may appear confusing but it is liberating, because individual and independent experts are appointed, not to represent governments, whether or not these governments are members of the United Nations system.

This paper looks at the case of the office appointed to investigate extrajudicial disappearances and summary or arbitrary executions in relation to the concerns of human rights defenders in general, and women human rights defenders in particular.

The office and its mandate

The Office of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions was set up in the context of Argentina in the 1970s. The country, at the time was characterised by, among other things, the disappearances of many of its citizens. When the proposal was first put forward at the United Nations, the government of Argentina, supported by many other governments, blocked every effort to investigate the country for its disappeared citizens. A compromise was finally reached with the setting up of what was then called a working group to look into the question of disappearances.

UN Special Procedures mandate-holders occupy a unique position in the UN system. They are simultaneously independent of the organisation, and yet often influential at the very heart of it.

The dynamics surrounding UN Rapporteurs and Special Representatives need to be understood in order to be useful and effective. For example, a newspaper may report the remarks of a UN Rapporteur or Special Representative at a certain meeting. The newspaper may give the impression that the Rapporteur or Representative was speaking on behalf of the UN. If the same newspaper reporter questions the UN Secretary General about the said remarks, he may state that those remarks do not represent the position of the United Nations. What does it mean? What it means is that remarks made by Rapporteurs or Special Representatives do not represent official UN statements. However, Rapporteurs and Representatives may invoke their affiliation with...
the UN when making statements, if they perceive it important to do so. This may seem confusing, but this arrangement provides flexibility that can serve advocacy.

The official reporting of the Rapporteurs and Representatives are made to the General Assembly and parent bodies in the UN that appointed them, such as the UN Commission on Human Rights. (The Commission has been abolished and replaced by the Human Rights Council.) It deals with a variety of issues. One important function of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions related to women and women human rights defenders is the investigation of extrajudicial killings of lesbian, gays and other sexual identities, and cases of honour-killing. It also responds to other urgent violations such as extrajudicial killings by governments or non-state actors.

The Office produces annual reports based on analyses of specific issues.... These reports do not represent official UN positions, but they do carry weight and can make an impact.

The office of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions welcomes all information pertaining to extrajudicial killings in any country. The Office will pursue the reports, by way of visits to the countries concerned, complaints and communications to governments concerned and official reports to the UN General Assembly. But the process starts, and is in fact enabled by human rights defenders on the ground. When the Office receives the information, and verifies it, pressure is put to bear on the government concerned and the issue is placed on human rights agenda. The Office produces annual reports based on analyses of specific issues. These reports can and should be used by the human rights community as tools for their work. These reports do not represent official UN positions, but they do carry weight and can make an impact.

An example in point is a current study on transparency in the death penalty. Capital punishment is not a violation of international law. Governments have the right to practice capital punishment. But the office of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions is mandated to investigate reports of executions that violate international law. In the case of the government of China, it asserts that the death penalty is imposed because its people demanded it. In terms of international law, the Office must respect this position. But if the death penalty is implemented judiciously, then there must be reports on the number of executions and the crimes of the executed. If this basic information is unavailable or inaccessible, it contradicts the democratic principle that the government asserted in the first place.

The office is currently working on the issue of ‘commissions of enquiry’. Whenever and wherever suspicious killings happen, governments usually respond with the promise of a commission of inquiry. Months later, however, nothing seems to have happened or reported in terms of these commissions. This is work in progress and recommendations are underway to stop the abuses in the techniques of commissions of enquiry.

Addressing cases of women human rights defenders

The offices of UN Special Representatives, Special Rapporteurs, Working Groups and other UN Special Procedures mandate-holders occupy a unique position in the UN system. They are simultaneously independent of the organisation
and yet often influential at the very heart of it. These independent experts or groups work by gathering evidence on specific topics using a range of means, including fact-finding visits and compiling written evidence from organisations and individuals. They provide analysis and independent advice to the UN, which helps shape policymaking at an official level, via the Secretary General’s office (Special Representatives) or the UN Commission on Human Rights (Special Rapporteurs and Working Groups). They also act individually, for example, writing to governments believed to be in violation of human rights legislation or engaging governments in constructive dialogue. Additionally, Special Representatives often produce special reports on particular topics, which is an important part of developing the body of analysis on issues including human rights.

Women human rights defenders can interact with Special Rapporteurs and Representatives in a range of ways. First, they can submit testimony on instances of abuse. This was the approach used extensively at the International Consultation on Women Human Rights Defenders through a series of private meetings with the UN Special Representative on Human Rights Defenders. Testimonies may also be submitted by writing directly to Rapporteurs and Representatives. Second, they can collate evidence on abuses against women human rights defenders over a period of time. The evidence may be put together either as an individual organisation, or on a national or regional basis, or by types of abuse. The evidence can be submitted either for inclusion in a special report or as a spur to action on a specific topic. Finally, women human rights defenders can use the reports of Special Representatives to put pressure on state and non-state actors that abuse them. As with the UN Declaration on Human Rights, reports produced by Representatives can be presented to the UN to highlight patterns of abuse and adopted as recommendations for actions by states.

**Conclusion**

The office of the UN Special Representative to the Secretary General on Human Rights Defenders has the specific mandate to look into the concerns of women human rights defenders. However, as explained above, other UN Special Rapporteurs such as the office UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions can also address these issues. In fact, in many cases, UN Special Rapporteurs or Representatives conduct joint initiatives or responses to urgent calls for action from activists at risk. These collective efforts strengthen the capacity of this particular UN mechanism to promote and protect human rights for all, including the rights of women human rights defenders.

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**Notes**

* Philip Alston is Professor of Law and Faculty Director of the Center for Human Rights and Global Justice at New York University School of Law and in 2004 was appointed UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.
Three: Role of Komnas Perempuan in protecting women human rights defenders

Kamala Chandrakirana

Violence against women was the platform upon which Komnas Perempuan was set up. But its current mandate is defined in terms of protecting and promoting women’s human rights. This is a direct outcome of two earlier events - the post-authoritarian political commitment to human rights in Indonesia, and the international consensus reached at the 1993 Vienna Conference that women’s rights are human rights. A national human rights institution can only be effective in protecting women human rights defenders if it is working in concert with local women’s organisations, and other concerned social institutions within the community itself.

Introduction
The National Commission on Violence Against Women (Komnas Perempuan) of Indonesia was established in the context of a major political transition, in the aftermath of the mass rioting that triggered the resignation of the 32-year dictator in 1998. The President that was elected thereafter signed a decree establishing the Commission in response to public demands for state accountability on the mass rapes, which occurred during the riots. Women leaders and activists from a broad political spectrum voiced the demands in the thick of a national controversy over the veracity of a citizen’s report on the mass rapes. Underlying the demands was the fact that none of the reported 152 rape victims – all of whom belong to an ethnic minority targeted during the riots – came forward to speak publicly on the attacks.

Komnas Perempuan grew from the women’s movement in Indonesia. The Presidential Decree that established the Commission is itself a product of negotiations between women leaders and the President’s office. The President had originally proposed that the Commission be placed under a cabinet ministry (in particular, the Ministry of Women’s Affairs). Compromises were reached and Komnas Perempuan was set up as an independent body.

This paper explains the mandate and programmes of Komnas Perempuan and describes the key strategies employed by the Commission to address the concerns of women human rights defenders.

The mandate and programs
Violence against women was the platform upon which Komnas Perempuan was set up. But its current mandate is defined in terms of protecting and promoting women’s human rights. This is a direct outcome of two earlier events - the post-authoritarian political commitment to human rights in Indonesia, and the international consensus reached at the 1993 Vienna Conference that women’s rights are human rights.

The Presidential Decree establishing the Commission refers directly to two important international conventions, which have been ratified by Indonesia. These are the Declaration on the Elimination of All Forms of Violence Against Women (CEDAW), and the Convention Against Torture. The Commission was also strongly influenced by the UN Special Rapporteur on Violence Against Women, particularly through her mission to and report on Indonesia and East Timor. That mission focused on the mass rapes of the ‘May riots’ as well as the violence experienced...
by women in three other armed conflict areas, namely Aceh, East Timor and Papua.

Soon after Komnas Perempuan’s was set up, a string of significant events happened. There was an unprecedented number of armed conflicts around the country – both in terms of scaled-up attacks on civilian populations by the Indonesian military in East Timor and Aceh as well as communal conflict fueled by the military in areas that were not previously categorised as ‘conflict zones’. These included areas such as Maluku, West Kalimantan and Central Sulawesi. This was followed by a major rise in religious extremism, which included an increase in militias using the language of religion (e.g., jihad), and a general heightening of religious conservatism among the population at large.

Preventive measures must be linked to community awareness. This is important because the sources of attacks on women human rights defenders and the organisations often emanate from the community.

The inability of the Indonesian Government to provide decent employment for the poor exacerbated the situation. It was not surprising given the political disorientation of having four presidents in seven years. And to make matters even worse, Indonesia suffered the biggest natural disaster of the century.

This was the context of Komnas Perempuan’s establishment. The immensity and unprecedented nature of multiple social, economic and political crises demanded, first and foremost, active communication. Komnas Perempuan stood the challenge. The organisation maintained active communication with women’s organisations and activists around the country.

Komnas Perempuan is designated as a national women’s human rights institution. However, it does not enjoy formal investigative powers, as does the National Human Rights Commission or the authority of the civil court. Komnas Perempuan’s role is mainly in the area of standard setting and policy change. It performs this role by raising critical issues related to the gender dimensions of whichever serious social issues of the day. In the process, Komnas Perempuan has grown to provide and represent a common ground where civil society activists, government reformers and law enforcement agencies meet and dialogue to formulate a new vision for the nation’s post-authoritarian future.

Responses to women human rights defenders

Komnas Perempuan has been in existence for seven years. During this time, it has given priority to violence and other human rights violations that women experience whether in armed conflict, gender-based crimes against humanity or in the context of migration, rural poverty and natural resource conflict. The organisation has carried out its mandate by way of programs on legal reform, public education, the monitoring of violations against women’s human rights, systems-building for victim recovery, and protection of groups vulnerable to discrimination such as migrant workers, domestic workers and women-headed households. Reports on these issues are produced and submitted to the Commission.

With regard to the issues of women human rights defenders, the Commission has carried out the following specific activities:

Urgent responses

Urgent responses are necessary in order to have a direct impact on a particular case. It is also an entry point to discuss more comprehensive and
preventive measures. In situations when abuse is experienced by women human rights defenders, Komnas Perempuan responds immediately. The actions include emergency interventions to communicate the matter to local authorities, both through official correspondence as well as through the networks of its member Commissioners. In special circumstances, a fact-finding team is sent to speak directly with the defenders under attack as well as to their colleagues and community members. The team also addresses local authorities, both state and non-state (e.g., religious and customary institutions).

Komnas Perempuan made interventions at the height of armed conflicts in Aceh and in East and West Timor. When attacks were directed at Indonesian defenders providing assistance to war-displaced communities, the Commission responded. It initiated a meeting at the national level with the Minister of National Security and Political Affairs to draw attention to the violations on the ground. It also requested a review of the operating guidelines for ground troops in order to ensure the protection of local humanitarian workers and prevent future attacks on them.

The Commission brought together defenders from conflict areas around the country to discuss their concerns. Both women and men were brought together to discuss the pattern of violations and vulnerabilities they experience in their respective contexts. This allowed for a common understanding and basis of action. More recently, it conducted a similar discussion with women and men defenders working within religious organisations that are facing relentless attacks from fundamentalist and extremist groups.

**Preventive Measures**

Preventive measures are undertaken to avoid future abuse of women human rights defenders.

The preventive initiatives are carried out simultaneously as preparatory interventions are being planned by the Commission should future attacks happen nevertheless.

Preventive measures must be linked to community awareness. This is important because the sources of attacks on women human rights defenders and the organisations often emanate from the community. Komnas Perempuan is engaged in nationwide campaigns, especially during the 16 days of activism on eliminating violence against women, in collaboration with local groups. The aim is to encourage women’s groups to speak out during cultural events and processes that are meaningful to their particular communities.

The example from Papua, which represents the longest running conflict in the country, is a case in point. An indigenous woman human rights defender, Mama Yosefa, was engaging in crucial negotiations with a gold mining transnational company. She had been protesting against the company for many years. She requested Komnas Perempuan’s participation at a meeting between the corporation’s representatives and local indigenous women. The Commission obliged and played the role of monitors in the negotiating process.

Komnas Perempuan responds in situations of armed conflict as well as service ‘peaceful’ areas of the country. This includes official and regular visits to local authorities aimed at familiarising officials about the national monitoring body on women's human rights. The meetings are held in participation with local women's organisations, which are advocating for the rights of women. By doing so, the profile and linkages with the local women’s groups are strengthened.
Capacity-building

Systems or capacity building is crucial for long-term sustainability. In order to ensure that Komnas Perempuan or local women’s organisations do not simply respond to the vulnerabilities of women human rights defenders on an ad hoc basis, building sustainable mechanisms are highly important.

The case in Aceh is a good example. At the height of the conflict in Aceh, the government banned entry of all external groups into the region with the exception of the National Human Rights Commission. Komnas Perempuan responded by joining the National Human Rights Commission’s monitoring initiative into Aceh, with the purpose of focusing on women’s experiences of human rights violations. This process eventually led to Komnas Perempuan conducting independent monitoring in Aceh.

Komnas Perempuan worked with local women’s groups to develop an ethics of monitoring. The idea behind this method of working was not only to ensure that women who came forward to testify would not be harmed, but that the local groups will engage in follow-up processes. The follow-up activities included providing of assistance in terms of psycho-social help and longer-term empowerment.

The 2004 tsunami had affected women human rights defenders. When the tsunami hit Aceh, women human rights defenders were among those who lost their family members and lifelong belongings. Despite their grief, they were among the first to provide assistance to other tsunami victims. People in Jakarta were very aware of the intense humanitarian work to address this massive disaster and the trauma and exhaustion of trying to continue the activism following years of armed conflict. Komnas Perempuan initiated a gathering of Acehnese women human rights defenders to discuss their needs and priorities. It also facilitated a consensus building process on personal healing as a necessary part of activism and institutional support.

Understanding the insecurity of resources for women’s organisations to provide support for women victims of violence, Komnas Perempuan initiated a special fund. The fund was built from public contributions and served as a new resource base for organisations working at the community level, especially those which did not receive funding from donor organisations. The Women’s Fund, as it is popularly called, has benefited from personal contributions as well as from fund-raising exhibitions of artists and collaborations with socially responsible corporations, such as The Body Shop.

Komnas Perempuan also initiated the establishment of other supportive and sustainable mechanisms. These initiatives were planned in anticipation of the complexity of violations that Acehnese women would face in the post-tsunami and post-conflict situation. Specifically, Komnas Perempuan initiated a new mechanism within its own institution, which would be applied first to Aceh. The complexity in question is the codification of the sharia law in Aceh. The enforcement of sharia law was and is gaining momentum after the peace negotiations. In order to heighten Komnas Perempuan’s monitoring capacity, it set up an office of a Special Rapporteur, based on the UN Special Rapporteur mechanism as a model. The Komnas Perempuan Special Rapporteur on Aceh would address and report on the interplay of armed conflict, natural disasters and fundamentalism vis-à-vis the human rights of women in Aceh.
Break through initiatives for women human rights defenders

There were exceptional initiatives that represented political breakthroughs in the protection of women human rights defenders. In 2004, the Indonesian community of human rights defenders, with the support of many in civil society, were shocked at the killing of one its most prominent leaders, Munir. Komnas Perempuan issued a public statement recognising him as a defender of women’s human rights, lauding his work on rape in conflict areas and with mothers of victims of forced disappearances. At the insistence of human rights groups, the President of Indonesia set up a national fact-finding team to investigate Munir’s death. Komnas Perempuan was a part of the investigative team and provided secretariat support. Other members of the team included government officials and civil society leaders. More initiatives are being planned for the future. In 2006, Komnas Perempuan will hold a national summit meeting to address the violations that Indonesian women activists experienced forty years ago. More than one million persons died or disappeared in 1965, as part of a massive persecution and killings of so-called “communists.” Many of them were women and some of them survived. More than three decades of silence later, some of the women – many of whom are now in their 70s – are beginning to speak out. They seek national recognition of their experience of abuse and persecution. They also seek further protection for themselves and their family members. This process will surely lend valuable lessons to the current generation of women human rights defenders.

Conclusion

Attacks against women human rights defenders are carried out by state and non-state actors. The attacks are often justified in religious and cultural terms. In this context, one of the important lessons learned by Komnas Perempuan in addressing violations against women and human rights defenders in the context of fundamentalisms is to develop a comprehensive strategy. The strategy does not only rely on legal frameworks, but is simultaneously political and cultural. This latter approach would require building new vocabularies which could express the universality of human rights in a diversity of culturally and religiously authentic languages.

The challenges facing women human rights defenders are constantly changing the vulnerabilities they experience extend beyond the public sphere into the private. Thus, a national human rights institution can only be effective in protecting women human rights defenders if it is working in concert with women’s organisations and other concerned social institutions within the community itself.

Notes

* Kamala Chandrakirana is chairperson of Komnas Perempuan (National Commission on Violence against Women), Indonesia.
Four: Governmental and non-governmental strategies for the protection of women human rights defenders in Colombia

Luz Marina Monzón*

Colombia is no different than any other weak state in Latin America. It is characterized by a high degree of impunity of criminals, around 97%, according to some experts. There is another related phenomenon that has affected the security of human rights defenders: the links of the armed conflict, which involves guerrilla and paramilitary groups, to drug trafficking, corruption and the design of anti-terrorist governmental policies. This situation means that human right defenders are labeled as sympathisers or enemies of the guerrillas or the government, whatever is convenient to the agenda of the warring parties. In the case of women human rights defenders, the abuses perpetrated are of sexual nature. These sexual violations are committed by the state and by non-state actors, both sides using women’s bodies as war trophies to assert their views.

Introduction

Colombia is located in South America and has a population of approximately 42 million inhabitants. Over the past 40 years, the people of this country have lived along with the presence of several guerrilla and paramilitary groups. Among the guerrilla groups, which are still active, are the Army Force of Colombia (FARC) and the Army for National Liberation/ Ejercito de Liberacion Nacional (ELN). In reaction to the guerrilla groups and their abuses, paramilitary groups emerged with the support, contribution and tolerance of the government during the 80’s. These paramilitary groups are responsible for the persecution, displacement, killings and disappearances of individuals who they perceive as direct or indirect collaborators or sympathisers of guerrilla groups.

This paper describes the persecutions, violations and attacks that are perpetrated against human rights defenders in Colombia, including those committed against women human rights defenders. It gives examples of governmental and non-governmental mechanisms and programmes for the protection of human rights defenders in the country.

A political agenda for the protection of human rights defenders

The attacks against human rights defenders in Colombia are no different from those committed elsewhere. There are threats, disqualification, and attacks to the reputation of the activists as well as arbitrary arrests. In the case of women human rights defenders, the abuses perpetrated take the form of sexual violence. These sexual violations are committed by the state and non-state actors, both sides using women’s bodies as war trophies to assert their views.

The human rights movement in Colombia started a process of ongoing, constant and fluent flow of information with international organisations on the issue of violations and attacks against human rights defenders in the country, which are obstacles to the legitimate work for the defense of human rights. This process continues and as a consequence of this struggle, several human rights organisations made systematic recommendations to the government on the mechanisms needed to guarantee the legitimate work of human rights defenders.
A number of high profile international and regional offices are involved actively. These offices include the United Nations Human Rights Commission, the Inter-American Commission on Human Rights, and the UN Special Rapporteurs on Torture and Extrajudicial, Arbitrary and Summary Executions. All these offices have also issued declarations and recommendations to the Colombian government on appropriate measures to protect human rights defenders.

In the case of women human rights defenders, the abuses take the form of sexual violence.

In the midst of these developments, a political agenda outlining mechanisms of protection of human rights defenders was discussed directly with the President of the Republic of Colombia. This agenda included the issue of deleting or “cleaning” of intelligentsia files regarding human rights defenders; the need to issue public statements to recognise, respect and guarantee the work of human rights defenders; the need to create mechanisms to investigate the attacks perpetrated against human rights defenders; and the creation of a protection program for human rights defenders to be financially supported by the state.

Specific strategies for human rights defenders at risk
But these resources will never replace the measures required to face situations of risk in a substantial manner. These measures are:

- Identification and punishment of the perpetrators of threats, violations and attacks against human rights defenders;
- Permanent and effective actions aimed to legitimise the work of human rights defenders, men and women, as a fundamental contribution to the construction of a democratic state;
- Repeal of public statements aimed to discredit and formulate false allegations against the nature of the work of the human rights defenders.

Conclusion
Colombia is no different than any other weak state in Latin America. It is characterised by a high degree of impunity of criminals, around 97%, according to some experts. There is another related phenomenon that has affected the security of human rights defenders: the links of the armed conflict, which involves guerrilla and paramilitary groups, to drug trafficking, corruption and the design of anti-terrorist governmental policies. This situation means that human right defenders are labeled as sympathisers or enemies of the guerrillas or the government, whatever is convenient to the agenda of the warring parties. In the case of women human rights defenders, they become vulnerable to violations by all parties who fight their battles on women’s bodies.

Notes
* Luz Marina Monzón works with the Colombian Commission of Jurists.
Five: Strategies of a network in supporting women human rights defenders

Zazi Sadou*

WLUMl see women as defenders, not as victims. In launching solidarity action, international alerts and mobilisation of support is but a small part of this strategy. There are essential everyday actions that are required, which must be developed and sustained in close collaboration with local groups, i.e., relationships based on respect and the full recognition of the local groups’s right to choose their form of action.

Introduction
The violence perpetrated by the Islamic Armed Groups (GIA), in Algeria was horrifying. Hundreds of men, women, and children were assassinated everyday. Dozens of girls and women were kidnapped, raped and taken into sexual slavery in the mountains. In response, women human rights defenders demonstrated, raised their voices and appealed to the international community.

However, the actions and appeals were met with deafening silence beyond the borders of the country. Some journalists described this period in Algeria as a “war without a face”. Apparently, these journalists, too, had not seen the ‘faces’ of those who suffered the violence of the war, nor those of women human rights defenders who protested and appealed for action.

This paper looks at concrete strategies initiated by Women Living Under Muslim Laws (WLUMl), a network in the defense of women’s human rights and women human rights defenders in Muslim countries.

Violations against women living in Muslim countries
A Pakistani Muslim woman is married to a Nigerian Muslim man under English law. The woman’s husband decided to divorce her. He requested the English court in the United Kingdom to consider their Islam faith, and be allowed to divorce his wife according to sharia. The judge, in the name of cultural relativism, agreed with the husband’s request.

The woman, about to be deprived of all her rights including custody of her child, sought assistance from WLUMl. The network sent protest letters to the judge, but these were not considered. So it mobilised the support of women human rights defenders’ organisations and activists from various Muslim countries. They were urged to send copies of different divorce judgments recorded in Muslim countries to the English court hearing the divorce case.

Within days, the judge received dozens of judgments on divorce cases concluded in different Muslim countries. All the judgments were supposedly made on the basis of sharia. The judgments showed different positions taken in Muslim courts in different countries. Some showed contradictory views and opinions. In the context of the differing judgments, WLUMl asked the judge if he had the expertise in sharia to deal with the case. Finally, the English judge recognised that he did not have the said expertise so decided to hear the divorce case under English law.

This divorce case is but one of many different ways and forms women suffer human rights
violations in Muslim countries. In Sri Lanka, fundamentalist Muslim women wanted female genital mutilation (FGM) to be practiced in the country ‘in the name of Islam’. In response to this campaign, feminist activists from Sri Lanka appealed to WLUM to put out an alert for action. The network immediately acted, mobilising support from African women human rights defenders in Mali and Gambia to visit Sri Lanka and share their experiences in struggling and campaigning against FGM. The women activists from Africa spent two weeks in Sri Lanka, which led to the Sri Lankan campaign against FGM organised by women human rights defenders.

The WLUM also assisted women human rights defenders from the Algerian Assembly of Women for Democracy (RAFD, Rassemblement Algérien des Femmes Démocrates). These Algerian women activists are deeply engaged in the resistance against fundamentalism. They showed their resistance by transgressing the taboo that women cannot join men in the burying of the dead. They occupied cemeteries and turned them into a place of freedom of expression and resistance. They demonstrated on the streets and organised solidarity partnerships with women victims of terrorism.

But in many of these cases, the stories of violence and violations of rights against women and women human rights defenders are not heard or responded to adequately by the international community. RAFD, as in the other cases of women human rights defenders mentioned above, relied on the support of WLUM to raise the issues in public and international fora. WLUM took the responsibility to disseminate messages of resistance of men and women against fundamentalism in Algeria, and alerted international opinion on the threats and dangers that fascist non-state forces pose on women, not only in Algeria, but the world over.

**Solidarity action as a response**

What can women human rights defenders do with international human rights instruments in instances when such instruments are not even recognised by the government? What are the options for action when dictatorial and conservative states benefit from the conniving silence of the international community while women are violated in the name of national laws?

It is easier to take a state actor to task for human rights violations than it is to make non-state actors responsible for their actions. The case of Algeria is but one of many examples. The government...
of Algeria was called to account for human rights abuses under United Nations auspices. Why cannot the same be done in the case of non-state actors, which are actually political forces that are forcing and imposing fundamentalist laws upon a whole society in clear violation of human rights?

Human rights organisations tend to focus on state actors and do not take into account requests specific to local women human rights defenders that demand direct accountability by non-state actors. This is tantamount to ignoring the terrible and cruel violations that women experience in the hands of non-state actors, as in the case of Algeria.

The simple answer lies in solidarity actions. In such circumstances, as had happened often, women human rights defenders seek solidarity with other women human rights defenders across borders. For example, WLUML was already campaigning for the violations against Afghan women long before the destruction of the Buddha statues in Afghanistan caught the attention of the world. Recently the network is also supporting the struggle of Canadian women who oppose the legalisation of religious arbitration courts in their country in the name of ‘multi-culturalism’.

Principles for supporting women human rights defenders

In launching solidarity action, international alerts and mobilisation of support is but a small part of this strategy. There are essential everyday actions that are required, which must be developed and sustained in close collaboration with local groups, i.e., relationships based on respect and the full recognition of the local groups’s right to choose their form of action.

There is a need to constantly tap innovative ideas for various strategies that will be effective in different situations. In assisting women human rights defenders, the network also adopts key principles, which include the following:

- Always take into account the social and political contexts of the concerned group of women;
- Always obtain the consent of the concerned women before launching any action to ensure that their situation will not worsen as a result of any arbitrary campaign;
- Always take into account the political dynamics and pressure from all actors – the state and non-state actors, including families and communities;
- In cases of emergency, find local sources of support to help women human rights defenders at risk, including safe housing, finance and legal assistance;
- Ensure continuity of action and success, and participation of local groups is essential to attain this;
- In cases of action alerts, ensure that feminist organisations in Muslim countries as well as human rights organisations, trade unions, public figures and other groups are aware of the campaigns and where they are being staged.

Conclusion

The cases cited in this paper illustrate the kind of solidarity actions facilitated by WLUML. The network develops strategies and disseminates the information about the concerns of women and women human rights defenders. It links women human rights defenders and their organisations by coordinating international campaigns and alerts for action. WLUML see women as defenders, not as victims.

Notes

* Zazi Sadou is a member of the network Women Living Under Muslim Laws (WLUML), United Kingdom.
Introduction
Most activists live hectic and often stressful lives. Many activists, because of the nature of the issues they are involved in and the particular geographies they work from, often face difficult problems such as traumatic experiences. How do activists deal with these painful issues? How do we understand them in order to provide psycho-social support to colleagues in our work?

This paper looks at some key issues related to the emotional and mental health care of activists. It looks at the issue of emotions and its relation to the work of women human rights defenders.

Patriarchy and the construction of emotions
Emotions are constructions. In other words, human feelings are not formatted directly from biology. Feelings are constructed in people’s lives for different reasons, and because of different social contexts, primarily through gender, race, national history, family history. Social groups such as lesbians, gays and transsexuals suffer as well in terms of the construction of emotions within all societies.

Six: Feminist ethics of mental health care for women human rights defenders

Lepa Mladjenovic*

Emotions are constructed; therefore, they can be deconstructed. Human beings can learn how to recognise their own emotions and change themselves to think and feel differently. In this context, there is a need for women human rights defenders to understand this process of construction and re-construction of emotions to improve their mental health. Many women human rights defenders around the world live with traumatic experiences as a result of their work. Many struggle with scars of abuse, torture, beatings and other violations. They carry their stress and distress in silence. They need to take care of their own emotional life in order to be able to continue their precious political work.

Introduction
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Since emotions are constructed, they can be deconstructed. Human beings can learn how to recognise their own emotions and change themselves to think and feel differently. This is crucial in order to be able to control emotions on one side, and make rational decisions on the other.

Emotions are constructed from the moment of birth and thereafter. It is shaped to be felt in a certain way. This means that whatever happens in a person’s life is remembered in the body, and represents component parts of emotional behaviour in adult life. As an example, the way a person is treated and taught to relate within the family affects emotions into adult life. It also means that if individuals have a history of violence in childhood or later, this will create different mechanisms of survival.

Similarly, cultures are transmitted differently through socialisation, which also shape emotions. The example of the Holocaust is illustrative of this point – it is an integrative part of Jewish history and affects creating different mechanisms of survival among generations afterwards. The history of stateless Roma people as well engraves
certain set of emotional mechanism of survival; the slave history of African Black people as well.

However, one dominating and institutionalised context in the construction of emotions is the patriarchal system. Women and men are socialised from birth to act and feel differently in this system. Gender is a crucial aspect in this process. Women and men feel and experience social hierarchy differently. A patriarchal system expects women to be victims. A classic example is the ascribed gender emotions of guilt, fear, shame, humiliation and helplessness. These are typical emotions for victims, and women are expected or made to feel these emotions more than men. Then there are the typical emotions ascribed to men - anger, aggression, revenge, and superiority.

The story of the war in the former Yugoslavia illustrates the point. The war began with the media, especially television, with non-stop airing of hatred speeches. Hate had to be produced so it could be translated into war and killings. The production of hate through the media generated different emotions, according to gender. Men with nationalist reasoning, generally, felt increasingly angry, aggressive with revenge feelings. Women felt more and more afraid, they felt fear and helplessness. Two genders in one family viewing the same TV footages on war and hatred generated different emotions.

Feminist ethics of care
Construction of emotions is a basic principle of emotional literacy, which means knowing how to recognise ones own feelings and separating feelings from reasoning and decision making. This principle may help women human rights defenders understand and change their feelings about issues. So women activists who decide to care for themselves will take back control over their health, and life decisions. In the face of demanding work, they can decide to take care for their mental health, which in turn will empower their work.

The second principle of emotional literacy says that emotions such as fear, shame, and guilt cause body changes/illnesses. Therefore, the basic rule in feminist ethics of care is: Women should care for themselves and others equally. This means caring not more for the others, than for themselves. This also means that women should put themselves first, whenever possible.

Women activists especially have to take care about the activist guilt. It comes from feeling that justice has not been achieved; that what we have contributed to the human rights of ‘the other’ is not enough – which then makes us feel guilty. It is always important to remind ourselves that whatever we do as women human rights defenders is the best we can do. We need to take care of ourselves: to accept the limited, but great and incredible work we do. This is not encoded in the patriarchal role ascribed for women. Patriarchal system demands from women to neglect themselves, otherwise they are called ‘selfish’ and ‘greedy’. This is why this feminist rule is essential. It is not easy to practice, but it is exactly what is needed in the work of defenders.

Techniques of liberation – steps for the process of managing our emotions
Emotions are with us in order to adapt our body, soul and mind to the outside world. They are functional, and they have a past and a present. But, very often, we feel what we don’t want to feel, or we behave opposite from our political principles. For example, shouting at our colleagues. There are reasons for this, and they are mostly in the emotional patterns from our past, which served us to survive difficult
situations, e.g., coping with our parents. In the past, our emotional patterns/mechanism saved us, and pushed us forward. However, they are often disturbing our growth in the present. What we need to do in the present, in order to work toward changing our emotional patterns, is to adopt what we shall call the ‘techniques of (emotional) liberation’.

The first step is the decision to recognise the emotion we are in. It is good to make a decision to be aware of one’s own emotions in everyday life. This means that we have possibilities to recognise our emotion, when needed. In many instances, we have no clue that we are emotional. We refuse to know or accept that our behaviours come out from our emotional states, which in fact are out of control. Therefore, recognising emotion is crucial, and thereafter – giving a name to it. This process of naming an emotion, and saying to oneself or a friend, “I feel fear... I feel guilty (helplessness, happiness, anger, anxiety...)” is a crucial step. It is important in this first phase to validate one’s own emotional state by accepting the feelings, saying: “it is ok, this is what I feel”.

What this implies is that we can distinguish between the feeling, our personal subjective emotional state, and the outside fact.

For example, in a situation where we help a woman survivor, we may be feeling pain as we listen to her story. Our feeling of pain is our personal fact. That means that each one of us will feel different in this same situation of listening to the woman’s story. In order to help this woman, it is important that we can control our emotions. Controlling oneself in this situation means exactly this: saying to oneself “yes I feel pain and sadness, yes I also had something similar in my past which made me feel painful.” Then we need to put our emotions in “brackets”, to give space to the woman we are trying to help. Our feelings of pain, and the woman’s feeling of pain, are two different things. We can always inform her how we feel, but not overwhelm her with our emotions, and not make decisions from our emotions only. We can say to ourselves “I will cry later,” and express our feeling of sadness after talking to the woman. It is crucial for our work to know that emotions are controllable most of the time. This gives us a chance to behave the way we want to.

The second step is to map our emotions: name them, talk about them, situate them in different stories from our past and present. One of the outcomes of this process is to get less tired and less overwhelmed with our emotions in our work. The other outcome is the process of becoming responsible citizens, by which we mean deciding not from emotions only, but with the knowledge about one’s own and other people’s emotions.

Emotion has a function to adapt us to the world, therefore it carries a message. We can take the information from our emotion, and use it. If we feel guilty that we have not done enough for the woman we are talking to, we can say “OK I feel guilty, I need to do more.” After taking the information and energy from the feeling, we need to make a decision what to do – and let the feeling go. We may not need such feeling any more; it has served its purpose to move us forward. The word ‘emotion’ means originally, to move out. Active attitude toward our emotions means using them to grow.

At this point we can remember a great woman activist, Audrey Lord, who defined herself as “mother, Black, poet, feminist, lesbian” and said: “Transformation of silence into language and action.” What does this mean? Behind the silence of the oppressed are feelings of those who are put in a position of a victim, “les damned”.

These feelings of fear, guilt, shame, helplessness,
inferiority, humiliation - we need to turn into language and action.

**Lights: I love, trust, value myself and give space to myself**

In order to understand the feminist ethics of care, it is important to realise the dimensions of care that women, as a gender, are usually lacking of: to love oneself; to trust oneself; to value what one has done / thought / felt; and to give space to one's own desires and needs. As defenders of human rights, we know how all kinds of violence are ruining these dimensions of care within human beings. Welfare societies, as well, produce misogyny: lack of love and trust to women in general, more so in regions of conflict, occupations and increased fundamentalisms.

Feminist counselors have identified that these four dimensions are especially sensitive, and increasing them through our politics of care can lead to self-confidence and autonomy.

**Ethics of care in our organisations**

Following feminist ethics of care in our organisation requires looking into the politics between two approaches in an organisation: to be efficient and result-oriented; or to be motivational-oriented and take care of each other.

For organisations that deal with painful issues such as violations of human rights, there is a crucial need to take a stand toward taking care of one's own activists, and professionals in the organisation.

Once a decision is made to advocate for ethics of care, this factor needs to be planned in the budget, timetable, and resources of the organisation. This also means that mental health care for the workers/activists should be a part of strategic planning, the project proposals, and project reports, including budget proposals of the organisation.

**Conclusion**

Women activists all around the world know so well to take care of each other - we sing, dance, and laugh together. We need to expand our love for our sisters and children - to ourselves. Loving ourselves means to accept every part of our past, including the most unfair and hurting detail, those feelings that are most shameful and fearful. In every situation in our past, we did the best we could to survive, and we could not have done differently. We need to be kind to ourselves, and decide: “it’s over with guilt, it’s over with shame”.

Loving ourselves means accepting ourselves, and our beautiful bodies. It means caring for our bodies that have been injured just by being alive in this society that basically hates women’s bodies, and gives us no space for liberating it. But it is time now we give space to ourselves, and each other. We have to trust the beauty in our bodies. We need to trust our caring words for ourselves and our sisters.

**Ourselves: Techniques Of Liberation** – steps for the process of controlling our emotions

- **recognise** – make conscious my emotion
- **give name** to my emotion
- **I express my emotion** – talk to a friend about it, talk to myself, write, draw
- **I accept, validate my emotion**
- **I am soft and kind to myself** – everything is ok
- **I channel, control, manage my emotions** through different steps
  - I take the information and energy from the emotion
  - I step aside from the emotion and look at it and observe it
  - I remind myself that i have a history with this emotion
  - I analyse all the possibilities of what can I do
• I remind myself that I have a free will
• I make a safety plan, a decision in relation to the information I got from it
• I stop feeling guilty that I feel this emotion
• I transform this emotion into another one which is more constructive for me
• I work on my body, I go to sports, excercise, etc.

Our sisters: techniques of liberation – how we support them

The autonomy of our sister depends on our sisterhood with her. In order to work with her emotional reaction to different situations in life, our sister has to talk to someone who wants to listen to her, whom she trusts, and who does not accuse her or interpret her. Only after she reveals everything, little by little, can she control and choose her emotions. Before that, strong emotions usually control her. We therefore depend on each other’s will to listen and support each other. This way, we can become ‘autonomous women’ which we all have potential to be.

We can support our sister by doing the following:

- **Listen to the story of our sister without interpretation and judgement**, ask her open questions.
- **Recognise the emotion of our sister.** Ask her how she felt, don’t interpret or value her emotions, try to hear and understand her the way she understands herself.
- **Trust her, validate that she has reasons to have these emotions.** Even if you don’t have this emotion, and if it seems to you unreasonable, she has her reasons for this emotion so remind her that she has her own reasons for feeling what she feels.
- **Accept her, understand her** never say: “don’t feel this”. This approach does not work.
- **Remind her to be soft and kind to herself**, not to feel guilty that she cries, or fears, or feel whatever emotions she thinks she should not feel.
- **Remind her that every emotion is part of our life, that emotions have information and energy**, it is logical and normal that she feels this.
- **Remind her that she can change her emotion**, that she needs permission from herself to leave the emotion she does not want.
- **Support her to make a plan together with you** – how she will take care of herself, what she will do to care about her body, her mental health, and pursue her own joy and happiness.

Notes

* Lepa Mladjenovic works as a counsellor at the Autonomous Women’s Center Against Sexual Violence in Belgrade, Serbia and Montenegro.
1 e-, out, movere in old Latin language, to move.
3 Frantz Fanon, Les Damnés de la terre, (Damned on the earth), Maspero, Paris, 1968. (Franz Fanon was an activist, psychiatrist, during the Algerian revolution.)
4 Women’s action group from Harare, Zimbabwe, has a postcard: DON’T AGONIZE – ORGANIZE.
5 “We trust our words and we know that even if we are in the darkest tunnel and it seems that there is no way out, we should not hesitate to use the light and the eyes of words, because they, also, are the way.” Khalida Messaudi in the conference in Bologna, Italy, 22 October 1996, cited in: Con gli occhi della parola, Mazioni Libri, Roma, 1998.
Part 5: Justice for Women Human Rights Defenders
One: State accountability for violations against women human rights defenders in Sierra Leone

Aruna Mamei*

*The Sierra Leone societal culture and values reflect the attitude of state and civil society. The society is deeply steeped in traditional values, mostly rural and illiterate. Men and patriarchal values dominate social relations, including the political. In this social and political geography, any woman seen or heard promoting, protecting or defending human rights face grave risks and real threats. Where is the state in the face of these violations?

Introduction

Sierra Leone is a small West African country embroiled in a ten-year war. Thousands of lives have been lost. The Sierra Leone societal culture and values reflect the attitude of state and civil society. The society can be characterised as deeply steeped in traditional values, mostly rural and illiterate. Men and patriarchal values dominate social relations, including the political. In this social and political geography, any woman who is seen or heard promoting and protecting human rights face grave risks and real threats from men. Women human rights defenders are branded as prostitutes or sexual deviants, and they live with the risk of physical danger to their lives.

This paper raises some points on the accountability of the state in the context of the violations perpetrated against women human rights defenders in Sierra Leone.

The case of Fannyann Eddy

We all know the story of Fannyann Eddy. She was a prominent woman human rights defender who was beaten, raped and murdered in 2004 because of what she stood for, and the work she did. She worked with the Ministry of Gender, until she began to campaign against female genital mutilation and dismissed from her job. She was also an activist advocating for lesbian, gay, bi-sexual and transgender (LGBT) rights, and her willingness to speak about LGBT issues in Sierra Leone was a major factor in this fatal attack.

To this day the state has yet to act on this brutal crime against a woman human rights defender. The government has not acted in any positive way to bring the perpetrators to justice. In fact, the government has kept silent on the issue, dissociating itself from any involvement in violations against women and other human rights defenders.

As for civil society, there remains a deep fear regarding LGBT issues. These issues on sexuality are perceived as simply "non-African", and the acceptance of LGBT rights is perceived as undermining time-tested traditional values. For the majority in the human rights community, the price to pay for promoting and protecting the rights of all, including LGBT persons, is marginalisation and reprisals.

Inadequate responses from the state for human rights violations

During the pre-war period in Sierra Leone, human rights and human rights defenders were never real issues. On one hand, the government prohibited the setting up of human rights associations. Citizens engaged in meetings related to human rights were regarded as traitors to the country. On
the other hand, civil society, in general, regarded activists with indifference.

The eruption of war changed the landscape for human rights defenders. They became targets of rebel actions, especially that of the revolutionary united front. The rebels perceived Amnesty International (AI), for example, as supporters of the government. As a result, an AI staff’s home was set on fire; friends and family raped and murdered; the AI secretariat was vandalised; and most of the staff had to flee for their lives.

**Issues on sexuality are perceived as simply ‘non-African’, and the acceptance of LGBT rights is perceived as undermining time-tested traditional values.**

Where is the state in the face of these violations against human rights defenders?

Two mechanisms were established during the period of transition to democracy. These are the Truth and Reconciliation Commission and the Special Court. The former is aimed at searching for the truth of what really happened, and the latter is aimed at seeking justice and punishing those who violated humanitarian law. These two organs were designed to address the impunities of war and as a way towards reconstruction of a war-torn society.

Other mechanisms were also established to redress victims of human rights violations. Unfortunately, these mechanisms have not considered the defense of women human rights defenders. Ensuring accountability in post-conflict situations through these state-sponsored mechanisms is difficult. The situation reflects the government position, which as AI perceives, is characterised by bias against human rights, and women’s human rights in particular. For politicians, bringing non-state perpetrators of abuses against women human rights defenders to justice is a difficult balancing act in a fragile democracy.

**Initiatives for the protection of women human rights defenders**

AI put together some initiatives. These include constant consultation with a group of women lawyers who defend human rights and women human rights defenders themselves. AI has also set up a counseling bureau where women can seek advice. Appeals to parliament are made for cases against human rights activists. A small team of activists have been organised to monitor and document human rights violations, which are submitted to the courts and judges who are interested in defending human rights.

Education in human rights enables people to learn and understand their rights in order to promote, protect and defend these rights as well as prevent future violations. To this end, AI also airs a one-hour programme on human rights on prime time radio. There is also a scholarship program for human rights developed for children and women.

**Conclusion**

Because of the inadequacies in the responses of the state towards violations against human rights activists, and women activists in particular, initiatives from NGOs become crucial for the protection of defenders. In many instances, the support given by AI and other women’s rights and human rights organisations is the only available assistance to women human rights defenders at risk in the country.

**Notes**

* Aruna Mamei works with Amnesty International, Sierra Leone.
Two: Accountability for abuses by family and community against women human rights defenders

Susana Fried*

*If governments, non-state political actors and international bodies are challenged to be accountable to human rights standards, then the same should be required of all collectives. This especially includes the family, the community and the network of human rights activists and NGOs. It is often easier to point the finger at governments, non-state political actors and international bodies for violating human rights since the human rights standards are more developed and identifiable in this arena. It is more difficult, uncomfortable, and threatening to challenge families, communities and networks of activists to be held accountable to human rights standards.

Introduction

Family and community sometimes provide sustenance and courage. Other times, family and community members can be the most painful and unaccountable abusers of human rights.

How do we ensure accountability and achieve justice for women human rights defenders within the family and the community?

This paper addresses the issues regarding rights and obligations vis-à-vis accountability within the family and community. It looks at the human rights standards for the state to ensure accountability for abuses within families and communities. The paper outlines some basic principles on seeking justice and accountability for abuses against women human rights defenders in this context.

Abuses against women human rights defenders in the family and community

Years of women’s human rights advocacy reveal that the home is a place of safety; but in many instances, it is a place of danger. The family and community are no exceptions as places of danger for women human rights defenders. In this realm, the personal and social relations mix, and women fighting for their rights become most vulnerable to abuse. Many family members would rather ‘keep their women under control’ than support their advocacy for human rights.

Like the family, communities may provide protection and security. However, they may also be the source of vicious persecution of women human rights defenders. These include community actors from the neighbourhood, religious institutions, the media, health care workers, and community leaders with political power. The family, as with the community, commit similar abuses against women human rights defenders. These include acts of humiliation, threats of sexual violence, charges of being traitors, derogatory labels such as being called ‘immoral’, ‘indecent’, ‘deviant’ or ‘crazy’.

‘Sexuality-baiting’, as discussed in the paper by Cynthia Rothschild, has long been a staple of family and community attacks against women activists. Any advocacy about ‘gender’, ‘feminism’ or ‘sexual rights’ is taken to be acts of ‘deviant’ sexualities such as being divorced; marrying against the wishes of the family; refusing to
marry; or choosing a partner of the same gender. Such attacks reduce the definition of ‘gender’ and the scope of sexualities in a single sense, and negate the legitimacy of women human rights defenders and their work.

There are other threats against women human rights defenders, which are manifested more subtly. These threats are woven into the fabric of daily life, where the simplest activities can be fraught with risks of exposure and sources of potential humiliation. It is especially dangerous for lesbian, gay, bi-sexual or transgender activists because a simple threat of exposing one’s sexual identity makes them vulnerable to insidious harm. The use of extortion, blackmail, or threats to breaches of confidentiality from colleagues or relatives is more damaging than physical violence. In the context of the family and community, familiarity allows for condemnation, and abuse is directed personally and specifically.

The challenge is even more threatening when women human rights defenders question with their bodies the very idea that gender is simply female and male, or that these are permanent or fixed identities. The former UN Special Rapporteur on Violence against Women, Radhika Coomaraswamy, in her 2002 Report to the UN Commission on Human Rights observes:

“Gender-based violence is rooted in the social construct of what it means to be either male or female. When a person deviates from what is considered “normal” behaviour they are targeted for violence.”

State accountability for abuses by family and community

Standards of state accountability are part of the evolving norms of responsibility for abuses by non-state actors. In fact, these evolving standards represent the success of human rights advocacy to ensure that human rights standards encompass the full range of abuses and all victims of human rights violations. As a result, there are now specific ways to make the state accountable for the acts of private actors, including the family and community.

First, a state’s human rights obligation is threefold: to respect, to protect and to fulfil the rights of all. Concretely, this means that government officials, or those acting with the authorisation of the state, must not commit any form of human rights abuses. They must respect the human rights of all members of society including human rights defenders from communities that are denigrated, deemed dangerous, and as a consequence, discriminated against. Specifically, these include groups such as sex worker rights activists, HIV/AIDS workers (especially activists who are HIV positive) and LGBT activists, among others.
Second, states are also required to take effective steps to end human rights abuses. Under this obligation, states must not only ensure that their agents do not violate rights. They must also work meticulously to prevent and punish such acts by private actors. In order to adequately protect rights, the government and those acting on its behalf must take steps to prevent other individuals or groups from violating human rights. When the state fails to protect women human rights defenders, for example in cases of death sentences imposed by extremist groups, or allow such groups to terrorise women human rights defenders with impunity, then the state has failed in its obligation to protect rights.

Third, the government must ensure that infrastructure and services exist for the full enjoyment of rights. There must be adequate mechanisms put in place that enable people, including women human rights defenders, to exercise and enjoy their rights to the fullest extent possible. The state itself can be held responsible as a violator when it fails to act in a persistent and committed fashion to prevent human rights violations and to set in motion the possibility for its citizens to enjoy their fundamental rights. This is known as the ‘standard of due diligence’.

The standard of due diligence does not absolve the direct perpetrators from prosecution and punishment for their crimes. But it constitutes the complicity, acquiescence and omission by the state as another form of responsibility. The standard requires that states prevent, investigate and punish acts, whether by its agents or non-state entities, that impair any fundamental human rights. In addition, each government must provide access to remedy and award reparation or compensation for damages incurred by the victims.

Access to remedy is always contingent upon access to resources. In this context, issues of race, class, ethnicity, sexuality, gender identity, language and other social status matter. Often, defenders who represent socially marginalised groups find their access to remedies blocked by attitudes as well as by structures of racism and other forms of intolerance. Defenders who work at the margins of so-called respectability find it difficult to secure access to remedies, much less obtain recognition of their fundamental human rights.

When the social norms of femininity and masculinity are challenged, women human rights defenders come under attack by their families and communities. Lohana Berkins, a trans-rights activist from Argentina, described this experience:

When such attacks happen, and women human rights defenders complain to the authorities, they are refused the status of victims. Instead, the authorities brush off the complaints as ‘personal’ issues, not as human rights violations that the state is obliged to redress. 

If governments, non-state political actors and international bodies are challenged to be accountable to human rights standards, then the same should be required of all collectives.

Principles of justice and accountability

The International Consultation on Women Human Rights Defenders is a metaphor for accountability within communities. It represents a desire among activists to share a common vision of justice, even where different human rights defenders have different priorities and concerns. To begin with, there are some basic principles of justice and accountability that may be adopted by human rights defenders in their work, such as:
The first principle is to create accountability among the network of defenders and build ‘spaces of justice’ within these coalitions. As presented by Zazi Sadou, Women Living Under Muslim Laws carries out its work based on a clear set of principles of justice, which are integral in its activities and processes. Solidarity actions and networks must ensure accountability to its members and partners.

Second, new strategies can be derived from the advocacy for rights of bodily integrity and sexual/gender autonomy and expression. These rights offer new human rights strategies, which embrace a larger community and carry the potential of building new allies in the human rights defence work.

For example, women human rights defenders, especially defenders of sexual rights, must be prepared to respond to the charges of immorality, indecency or being traitors from their own communities. Their response should not be one of denial, but to challenge the very bases of the charges. There is a powerful truth in the slogan – “don’t deny, defy”. What this means is that women human rights defenders must work beyond changing laws. There is a need to challenge and change the “culture” enforced by those in power to include the visions and beliefs of others.

Finally, mobilisation and networking are crucial to ensure full protection for women human rights defenders. These processes should cut across constituencies precisely because the issues human rights defenders work on are interconnected at the deepest level. Many human rights defenders are threatened because of the ‘war on terrorism’ and increased ‘security measures’ under a fundamentalist tide of nationalist fervour. But this does not mean that other realities have to be neglected or forgotten, such as being poor, black, homeless, landless, migrants, lesbians, etc. Addressing these specific realities does not contradict the principles of universality and indivisibility of human rights. Rather, they ground these principles of universality and indivisibility on specific realities of peoples’ lives.

Conclusion
If governments, non-state political actors and international bodies are challenged to be accountable to human rights standards, then the same should be required of all collectives. This means the family, the community and the network of human rights activists and NGOs. In reality, however, it is often easier to point the finger at governments, non-state political actors and international bodies for violating human rights since the human rights standards are more developed and identifiable in this arena. It is more difficult, uncomfortable, and threatening to challenge families, communities and networks of activists to be held accountable to human rights standards. Many activists would rather remain silent because they fear that demanding responsibility for abuses from their colleagues and relatives would not be welcomed, or raising these concerns would only alienate them from their social circles. Women human rights defenders must break this culture of silence for their own protection.

Notes
* Susana Fried worked as Director of Programs of the International Gay and Lesbian Human Rights Commission (IGLHRC), USA until 2005.
1 For a discussion of instances when the standard of due diligence by the state is insufficient to address violations and abuses by non-state actors, see Marieme Helie Lucas’ paper.
Introduction
Much has been written and talked about Muslim fundamentalism and its implications on human rights. However, little is said of the fundamentalist trends currently emanating from Christianity, especially the Roman Catholic Church.

This paper looks at the responsibility of fundamentalist forces for human rights violations committed against women human rights defenders. It is based on the experience of Catholics for Free Choice in Córdoba, Argentina, an organisation committed to upholding the rights and responsibilities of women over sexual and reproductive health. Specifically, the paper looks at the experiences of this organisation defending its rights against a petition filed by a Catholic fundamentalist group seeking the cancellation of its license to operate as an organisation.

Fundamentalism in the Catholic Church
What is the concept of Catholic fundamentalism? The dissident Catholic theologian, Hans Küng, had warned in 1992 of the worrying consequences of rising Catholic fundamentalism. He wrote:

Today in the Christian world many complain about Islamic fundamentalism and Jewish fundamentalism, but they do not take much time to think that the term fundamentalism comes precisely from Protestantism, which searches for its own security against others, fiercely embracing the words of the Bible.

Presently, there is a current thought in the Catholic Church branded as fundamentalist because the leaders of the Church pretend to identify faith with the ecclesiastical traditions such as the Council of Trent and Vatican I. Through "re-catholisation", the church leaders try to force all Catholics to go back to Middle Age paradigms against reforms, against the modernisation of the Church and society. The imposition of the fundamentalist authoritarian Roman Catholicism goes along with a threat to the spirit and words of Vatican Council II.

Hans Kung further states that within this fundamentalist tendency, the Church "is not only going like a cork floating on the waves of a world conservative current, but doing active politics". This fundamentalist trend in the Catholic Church, for example, is reflected in the position of the Vatican against contraceptive methods and condoms, and in the struggle against HIV/AIDS.

The Catholic hierarchy and its allies in Argentina have been intensifying their work against reproductive and sexual rights. The Pontifical Council for the Family and the Opus Dei have organised important meetings in the country and all over Latin America as part of a carefully planned strategy. This strategy aims to impose a 'moral agenda' that is opposed to all reproductive health plans and programmes; the rights of gays, lesbians, transvestites, transsexuals, transgender; sexual education in schools; and all matters that promote the capacity and freedom of women to decide regarding their own bodies and their own lives.

Three: Holding Catholic fundamentalists accountable
Silvia Juliá*

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* Silvia Juliá is a theologian and human rights activist.
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This is not the first occasion of a Catholic fundamentalist attack against women’s human rights. Every time the women’s movement and the movement for sexual diversity make progress on women’s rights and sexual rights, the groups that defend a conservative morality would increase their levels of aggression. Fundamentalist Catholic groups would go to the extent of committing arson, as happened during the National Encounter of Women in Mendoza, Argentina where the meeting places and means of transport were burnt and destroyed.

Fundamentalist forces against Catholics for Free Choice
In 2003, Catholics for Free Choice in collaboration with the Ministry of Health won a case at the Federal Chamber, which declared the constitutionality of the Law on Sexual Health and Responsible Procreation. A Catholic fundamentalist group belonging to the so-called ‘pro-life’ movement brought the case to the court in order to seek for the annulment of this law.

Then, in February of 2004, after the Catholics for Free Choice had won the earlier case, another complaint was filed. A representative of the South Region of the International Human Life and the legal adviser of the Latin American Council for Life and Family filed an administrative complaint calling for the cancellation of the license and registration of Catholics for Free Choice. The petition also sought the confiscation of the organisation’s properties. Both organisations are Catholic right-wing groups. The Latin American Council for Life and Family is well known for its intolerance towards other religions and its anti-Semitic tendencies. It is also a well-financed organisation with offices worldwide.

To understand the nature of the complaint, one needs to understand the objectives of Catholics for a Free Choice. The organisation has two main objectives: first, to clarify the scope of responsibility and the right of women to specific maternity facilities and products, with freedom of choice; second, to promote a serious debate on issues about voluntary interruption of pregnancy in relation to medical, legal and ethical principles.

The Catholic hierarchy and its allies in Argentina have been intensifying their work against reproductive and sexual rights.

The International Human Life and the Latin American Council for Life and Family presented these objectives as evidence to prove the illegitimate nature of Catholics for a Free Choice as an organisation. The complaint was that the organisation’s objectives violated the right to life as enshrined in the Constitution. Additionally, they charged that the organisation was part of a pro-abortion lobby in the United States. They tried to convince the authorities that Catholics for Free Choice went against the common good of the society and against law and order. In an authoritarian manner, the two organisations insisted that the right to life from the moment of conception must be preserved by all means and refused to discuss matters pertaining to abortion.

The campaign to discredit Catholics for Free Choice did not stop there. Posters depicting
so-called aborted foetuses were posted along the street where the office of the organisation is located. Threatening e-mails soon followed.

**Strategies to defend the organisation**

Catholics For Free Choice stood its ground, and adopted an overall strategy. The aim was to preserve Catholics for a Free Choice’s right to exist as a space to reflect and generate debates on reproductive and sexual rights without censorship or discrimination. The organisation undertook several specific measures, which included the following:

- It replied to the charges against the organisation with arguments based on its long and sustained work in the community in favour of sexual and reproductive health of women and the realities of clandestine abortion as a public health problem in the country. These arguments were supported by human rights instruments endorsed by the government, including declarations and resolutions of related international conferences and conventions. Additionally, the arguments appealed to the multiple voices that existed inside the Church and theological insights that recognise the moral validity of decisions made by women on reproductive issues.

- It filed an action before the National Human Rights Secretariat regarding the persecution and harassment aimed at stopping Catholics For Free Choice from defending human rights. The appeal to the Secretariat, to declare the legality of Catholics for Free Choice, was based on the principles of the International Conference on Human Rights held in Vienna in 1993.

- It mobilised the support of human rights organisations and accepted the offer of the Association for Civil Rights based in Buenos Aires, Argentina to intervene as amicus curiae in defence of the rights to freedom of expression, association and not to suffer any form of discrimination.

- It launched a campaign to seek support and solidarity from feminist organisations, the women’s movement, social movements, trade unions, and professionals who share the same principles as Catholics for Free Choice.

- It also made the case public and demanded transparency from the state, calling for the state to assert its independence despite the pressures from religious extremist forces.

**Conclusion**

The Department of Registration resolved the case in favour of Catholics for Free Choice, seven months after it was filed. The decision reflected that the objectives of organisation are in line with those of the national programme on sexual health and responsible procreation. The Department also ratified the statutes of Catholics for Free Choice. The decision is a testimony to the partnership between Catholics for Free Choice and the state in this matter.

The Human Rights Secretariat also issued a significant resolution. The resolution supports the legitimacy and legality of Catholics for Free Choice in defending the freedom of association and freedom of expression. There was also support from the human rights movement, such as the organisations representing relatives and children of the disappeared. More than 100 organisations from all over the country sent letters of support to the Catholics for Free Choice, and the case generated new links with other civil society organisations, which share common interests with the organisation.

**Notes**

* Silvia Juliá works is the Legal Advisor and member of the Executive Comisión de Católicas por el Derecho a Decidir (Catholics for Free Choice),
Four: Accountability of non-state actors in the defense of women’s housing and land rights

Miloon Kothari*

Neo-liberal economic policies have drastically affected women’s access to property. These include privatisation of housing, water, electricity and other public services as well as related market effects such as increased speculation in land and property. Many of these violations are committed by private actors or occur in the private sphere. Holding such non-state actors accountable is crucial to address the increasing violations of women’s rights to housing, land, property and inheritance. Women human rights defenders have to remain vigilant to demand accountability, particularly of non-state actors, for the multiple forms of discrimination against women in this era of neo-liberal globalisation.

Introduction

Having a secure place to live is a core element for human dignity and overall quality of life. The right to adequate housing is widely recognised as a fundamental human right in a number of international instruments and declarations, regional instruments, constitutions and national laws. Against this backdrop, but faced with the reality of widespread violations of this human rights, the UN Commission on Human Rights appointed a Special Rapporteur on the Right to Adequate Housing in 2000. The mandate of the office is to focus on adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination.

This paper looks at women’s equal right to housing, land and property in the face of accelerating privatisation and liberalisation of housing and other public services within a context of neo-liberal economic globalisation. It discusses the different violations of these rights, particularly by private actors, and reflects on available strategies for rendering these non-state actors accountable at the international level for multiple forms of discrimination against women that result from their activities.

The office and its mandate

The human right to adequate housing represents an integral component of the right to an adequate standard of living enshrined in the International Covenant on Economic, Social and Cultural Rights (ESCR). Since 2000, women’s rights have been a central concern of the Special Rapporteur on Adequate Housing.

The right to adequate housing is “the right of every woman, man, youth and child to gain and sustain a secure home and community in which to live in peace and dignity.” This is the definition evolved by the Special Rapporteur and presented in his first report to the UN Commission on Human Rights. The definition is expressly formulated so as to convey the fact that the right to housing encompasses much more than merely four walls and a roof. This is particularly so in the context of women’s experiences, where the security of the home and the security of the person are absolutely crucial, and the denial of which can have far-reaching consequences. This definition also reflects the principle of indivisibility of human rights.

Women’s rights to housing and land

In 2002, the UN Commission on Human Rights
requested the Special Rapporteur to conduct global studies on women's access to housing and land rights. The objectives of the study were: to identify the obstacles women face in realizing their rights to housing, land, property and inheritance; to understand and exchange methodologies used on the ground and at the grassroots level to address issues related to the right to adequate housing; to contribute to the ongoing work on housing and other related rights at the global level; and to examine state and non-state accountability for violations of these human rights. Based on a questionnaire designed by the Special Rapporteur and various national and regional consultations, two reports have since been prepared and presented to the Commission.

One of the main findings that emerged from responses to the questionnaire and testimonies from grassroots women is that there is a growing recognition and awareness of women’s equal rights to housing land and property around the world. Nonetheless, in many regions and contexts a gap between recognition and implementation continues to exist. In what were often courageous and moving testimonies, women participants at the consultations recounted that despite the existence of constitutional provisions and laws protective of women’s rights, there remains a prevalence of customs and traditions in many societies that prevent women from fully enjoying their human rights to housing and land. In addition, ‘gender-neutral laws’ tend to hinder the full realisation of women’s rights to housing and land, as these laws fail to address the specific circumstances of women. There is significant and on-going gender bias within both the judiciary and public administrations.

Another significant finding that emerged is that the lack of awareness of legal entitlements or rights contributes to the violations. Lack of access to credit also affects women’s access to property. Other obstacles impeding women’s access to housing and land rights include land tenure systems that favour male ownership, regardless of religious or ethnic background.

Many of the violations are committed by private actors or occur in the private sphere. Holding private actors accountable is crucial....

The findings also indicate that the absence of appropriate legislation combating domestic violence may help account for the persistence of violations of women’s rights. In countries where such legislation exists, the problem is often one of weak or ineffective implementation and enforcement of the law. There also exists a pervasive culture of violence around property whereby women are deliberately and forcibly prevented from accessing their human rights to housing, land, property and inheritance.

Making non-state actors accountable

Neo-liberal economic policies have drastically affected women’s access to property. These include the privatisation of housing, water, electricity and other public services as well as increased speculation in land. Studies show that many of the violations are committed by private actors or occur within the private sphere. Holding such non-state actors accountable is critical to addressing the increasing violations of women’s equal rights to housing, land, property and inheritance.

There are many international human rights instruments and mechanisms that can be used to hold non-state actors to account for the violations they commit. Article 2(e) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), for example, directs...
The Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment No. 15 offered a significant pronouncement by officially recognising water as a fundamental human right to be enjoyed by all, free from discrimination of any kind. The General Comment addresses specifically the obligation of states to avoid adverse impacts on the right to water of others when engaging in international and regional agreements and trade arrangements.

Other explicit prescriptions related to the enforcement of accountability among state and non-state actors can be found in Articles 2 and 3 of the International Covenant on Economic, Social and Cultural Rights, and Article 32(1) of the Convention of the Rights of the Child. In addition, a host of UN declarations and guidelines, declaratory instruments and documents from world conferences and international case law also exist that directly address accountability of private entities for human rights violations.

Nonetheless, efforts to hold non-state actors accountable for violation of women’s human rights to land and housing have not yielded many positive results. This can be attributed to conflicts in the definition and application of key human rights principles vis-à-vis trade standards. While the UN and many human rights bodies and organisations continue to advocate that human rights standards and principles be respected and upheld in the context of trade agreements and practices, corporations view themselves as operating according to a different set of priorities and exigencies, and a result largely ignore human rights commitments.

The principle of international cooperation in human rights as enumerated in the Universal Declaration of Human Rights, the Convention on Rights of the Child and the Covenant on Economic, Social and Cultural Rights calls for solidarity measures through which the human rights of vulnerable populations would be protected. This is often in direct conflict with international cooperation in trade agreements which call for the opening up markets and economies regardless of the social cost, including the direct violations of the human rights of vulnerable populations.

Similarly, the human rights principle of ‘progressive realisation of rights’ acknowledges that full realisation of particular human rights will generally not be achievable over a short period of time. This, however, is not to be interpreted by governments as permission to “defer indefinitely efforts to ensure full realisation” of rights. In addition, while this principle of ‘progressive realisation of rights’ formally acknowledges the constraints faced by governments due to the
limits of available resources, it also imposes certain obligations, which are to take immediate effect. So while this principle recognises that full realisation of rights may be achieved progressively, it also directs states to move as expeditiously as possible and take deliberate, concrete and targeted steps toward the realisation of human rights.

The obligation of ‘non-retrogression’ in the realisation of rights also maintains that once states have ratified an international human rights instrument, they cannot permit the level of enjoyment of these rights to decline in comparison to previous levels. This is a key principle in the advancement of economic, social and cultural rights. In reality, however, this principle is contradicted by trade agreements. Trade rules call for reduction of state expenditure and prioritise investments in areas which benefit people who are already better off, often leading to the exclusion of the poor, the marginalised and other vulnerable segments of the population.

The uni-dimensional or ‘one-size fits all’ approach of international trade, investment and finance agreements runs counter to the ‘intersectionality’ (multi-dimensional) approach to advance women’s human rights. In the context of the fundamental human rights principle of non-discrimination, a substantive approach to equality must also be applied to issues of gender equality. Adopting intersectionality and substantive equality approaches would better address both structural and individual inequalities, as well as expose the differential effects of multiple sources of discrimination on individuals and their right to adequate housing.

Much has been done at the international level in terms of advancing women’s human rights, including their rights to housing and land. The UN Commission on Human Rights, for example, has made significant advances at the global level regarding the recognition of gender-based discrimination and violence against women in relation to women’s equal rights to property and housing (Human Rights Commission Resolution 2005/25). However, much more remains to be done especially in relation to neo-liberal policies and trade agreements that have tended to supersede consideration of fundamental human rights principles.

**Strategies for defending women’s rights to housing and land**

Many women human rights defenders continue to actively advocate for women’s human rights to housing, land, property, and inheritance. They include women activists at the level of the grassroots who defy the negative stigma and biases directed against women, lesbian, gays and those of other sexual orientations or identities. Their ranks include women from Islamic countries who advocate against restrictions on women’s freedom of movement and for freedom from domestic violence. They also include women lawyers in Iran who challenge the conflicts between sharia laws and the constitutional guarantees of equality. They include women who are at the front line of the global struggle against forced evictions and displacement of communities from their homes and lands.

In advocating for women’s equal rights to housing and land, women human rights defenders can focus on the following key strategies:

- Continuing education of the public, including the media and parliamentarians on human rights and the international human rights instruments, including the cardinal principles of non-discrimination, gender equality and international cooperation;
- Strengthening human rights mechanisms such as national human rights institutions that are beginning to work on economic, social and cultural rights and integrating them at the multilateral level;
- Engaging with the UN treaty bodies and individual complaints mechanisms such as the Optional Protocol to CEDAW to highlight violations of women’s equal right and access to housing, land, property and inheritance;
- Accessing the UN Special Procedures, specifically the UN Special Rapporteurs, such as the UN Special Rapporteurs on Violence Against Women and the Special Rapporteur on Adequate Housing, as well as other mandates, such as the UN Special Rapporteur on Health and the UN Special Rapporteur on Food;
- Participating in global civil society fora that address issues of globalisation such as the World Social Forum in order to increase awareness of and stimulate further actions on women’s rights and related issues.

**Conclusion**

There has been significant progress at international and national levels towards the recognition of economic, social and cultural rights, including the human rights to adequate housing and land. The implementation of these rights, however, remains a major challenge for activists and movements across the world. Many of the gains made by the movements advocating for these rights are being undermined by economic and trade liberalisation, privatisation and deregulation policies, all of which render the poor, other marginalised sectors - including women - more vulnerable. As the processes of neo-liberal economic globalisation become more entrenched and the pace of their integration into national economies quicken, women who already have difficulty accessing their rights due to discriminatory social norms, traditions, and laws related to property rights, find themselves at an even greater disadvantage. Therefore, women human rights defenders must remain vigilant in their efforts to hold state and non-state actors accountable for the multiple forms of discrimination almost invariably resulting from these processes of neo-liberal economic globalisation.

**Notes**

* Miloon Kothari is currently UN Special Rapporteur on Adequate Housing by the UN Commission on Human Rights.
1 Reports of the UN Special Rapporteur on Adequate Housing can be accessed at www.ohchr.org/issues/housing/index.htm
Five: International Criminal Court: accountability of state and non-state actors for violations against women human rights defenders

Vahida Nainar*

The International Criminal Court (ICC) is an important development for ending impunity for crimes against women. For the first time, a range of crimes against women have been recognised by the ICC statute as war crimes, crimes against humanity and genocide. Significant among this is the inclusion of persecution on the basis of gender as a crime against humanity. ICC’s focus on individual criminal responsibility, regardless of whether they are state or non-state officials, is important for women as most violations against women are by non-state actors. While geo-politics may make the ICC ineffective, it has nevertheless a potential to make a difference to the work and advocacy of women human rights defenders.

Introduction

There are a number of human rights treaties and conventions that sets the standard of conduct and behaviour of peoples and nations. Similarly, humanitarian law as stated in The Hague and Geneva Conventions have also been in place for about a century now and these conventions set standards about conducts prohibited in times of wars and conflicts. However, these mechanisms do not hold individuals accountable for violations of these standards in any court of law.

The International Criminal Court (ICC) is one of the important developments in the last decade in the defence and promotion of human rights and humanitarian law. It is the first ever permanent, treaty-based international criminal court established to promote the rule of law and ensure that the gravest international crimes do not go unpunished. It codifies the provisions of The Hague and Geneva conventions and some of the standards set by the human rights treaties and conventions and names their violations as international crimes. It goes a step beyond existing treaties and conventions by stating that individuals responsible for violations of these standards would be investigated and prosecuted.

Salient features of the ICC

There are several reasons why ICC represents an important development. It is the first mechanism dealing with individual criminal responsibility, it does not recognise immunities of any kind, official or head of state; it does not recognise national amnesties; there are no statute of limitations to bring cases to the court; and key crimes such as torture, disappearances, enslavement, a range of sexual violence crimes, trafficking are recognised as core international crimes.

For women and women human rights defenders, the importance and relevance of ICC is... (that it) deals with crimes against women.

The ICC is designed to complement existing national judicial systems1. It is a “court of last resort,” leaving the primary responsibility to exercise jurisdiction over alleged criminals to individual states. The Court is mandated to exercise its jurisdiction only in the event national courts are unwilling or unable to investigate or prosecute individuals for crimes listed in the ICC statute. Cases may be referred to the ICC by a state party to the treaty; by any state that have...
accepted the jurisdiction of the ICC; by the UN Security Council or brought by the Prosecutor of the ICC on her/his own initiative.

The ICC’s Rome Statute incorporates several due process requirements concerning the rights of the accused including: presumption of innocence; right to counsel; right to present evidence and to confront witnesses; right to remain silent; right to be present at trial; right to have charges proved beyond a reasonable doubt; and protection against double jeopardy.

Balancing the rights of the accused with the needs and interests of victims and witnesses, there are provisions that entitle victims to legal representation, right to participate in the proceeding, to protection and security, to psychological counseling and assistance and also provisions for awarding reparations.

Women human rights defenders and the ICC

For women and women human rights defenders, the importance and relevance of ICC is in the way its statute and other documents deals with crimes against women. The provisions concerning crimes against women is another reason that makes ICC a historic treaty and some of these are:

- a range of sexual and gender-based violations are recognised by ICC as war crimes and crimes against humanity;
- the definition of genocide is clarified to affirm that sexual violence can be one of the means to commit genocide;
- persecution is recognised as crimes against humanity and gender is acknowledged to be a valid basis of persecution. This makes gender-based violations as practiced by the Taliban a crime against humanity but also any persecution based on pre-conceived notions of gender;
- the ICC is required to apply and interpret all its articles and provisions in non-discriminatory ways;
- inclusion of several administrative and procedural rules such as the fair gender balance in the composition of court;
- requirement to have personnel with expertise on sexual violence; the no corroboration rule; the limitations on raising defense of consent, etc. to ensure that gender aspects of the statute are implemented appropriately.

The focus on individual criminal responsibility is of tremendous consequence with regard to crimes against women. It comes as a result of recognition that crimes are committed by individuals and not abstract states. The individuals could be state officials or non-state officials. States that cause human rights violations, through their actions or omissions, though never criminally prosecuted have to account for their actions under international law and are subjected to questioning and sometimes sanctions. Non-state individuals, entities and organisations such as rebel or fundamentalist groups, though bound by some of these conventions, have not faced any such accountability or sanctions.

Historically, both in war and peace times, violations against women and women defenders stem from patriarchal norms and conservative attitudes prevalent in society. They are often committed by family and community members. Thus crimes against women have often been committed by individual non-state actors and organisations. That non-state individuals and entities have never had to account for the violations they commit invariably means that crimes against women, particularly when committed by non-state individuals, have often escaped accountability. ICC’s emphasis on
prosecuting individuals regardless of whether they are state or non-state actors widely opens up the possibility of ending impunity for crimes against women.

The ICC will not, however, investigate individual cases of violations against women in general or women human rights defenders such as domestic violence or other single instances of violence committed in a non-conflict situation. The court can act only when the violations are widespread and systematic and committed as part of an organisational or state policy, i.e., when it reaches the level of crimes against humanity.

**Making the ICC work for women**

Having elaborated on the potential of the ICC to end impunity, a caution is in order. None of the above possibilities will happen on its own or just because the Rome statute exists. It will require advocacy by defenders working on women's rights and human rights to ensure that ICC performs its role effectively, adequately and appropriately. To bring cases to the ICC, women's rights and human rights groups may need to amend their techniques of documenting violations in order to stand the evidentiary requirements of the Rome statute. Subsequently, they need to consistently advocate with the Office of the Prosecutor and make a case for its intervention.

The ICC investigates and prosecutes, but it does not have a police force of its own. It depends on the state for cooperation in the investigations and arrests of criminals. So if those being investigated are state officials, ICC cannot be effective if the concerned state does not cooperate. At the same time, ICC can be used by the states to hold non-state individuals within their own territories accountable. In this instance, the ICC will be most effective. However, it exposes itself to be used by states to achieve their internal political goals. The ICC is therefore not a mechanism with tooth, but neither is it a toothless tiger as some critics call it.

Defenders of human rights must also explore other avenues of justice such as the notion of universal jurisdiction. Universal jurisdiction is a principle of international law that places a duty on all nations to investigate and prosecute international or core crimes wherever they happen. Cases brought in the Belgian and Canadian courts against Rwandan genocidiaries and the famous arrest warrant issued by a judge in Spain against Pinochet are all based on the principle of universal jurisdiction.

More and more countries when ratifying the ICC treaty incorporate the law of universal jurisdiction or some variation thereof into national laws as required. This allows them to investigate and prosecute crimes that have occurred elsewhere. Another option that victims of the war in former-Yugoslavia have successfully used is bringing a civil law suit for damages under the Alien Torts Claims Act in the United States. Regardless of whether the remedies granted by the US courts actually reach the victims, the victims considered the fact that some court of law has vindicated their claims of grave violations and held someone accountable for them is important in itself.

**Conclusion**

The ICC is intended to be an independent judicial body. It is empowered to investigate situations of gross violations, including crimes against women. It is equipped with rules that would help to effectively implement its mandates. However, for various geo-political reasons, it will not act on its own accord on many situations. Global civil society will have to advocate for the Court to be more proactive on some situations and influence the Court’s intervention. Defenders thus have
a role to play in documenting grave violations against women and sending the information to the Court. In addition, women human rights defenders could use, if not the provisions of the statute itself, the principles of these provisions to advance justice and ending impunity in their own national situations. While geo-politics may make the ICC ineffective, it has nevertheless a potential to make a difference to the work and advocacy of women human rights defenders.

Notes
* Vahida Nainar is associated with the Women’s Initiatives for Gender Justice based in The Hague, Netherlands.
1 Because the Court only has jurisdiction over crimes committed on the territory of or by nationals of countries that have ratified its treaty, countries such as China, Cuba, North Korea, Iraq, Libya, Burma, Pakistan have not signed the ICC Treaty. While ICC is being ratified primarily by established and emerging democracies, the United States, Israel, and India are also holding out on its ratification fearing prosecution of its nationals.
Annexes
Annex 1: Materials on women human rights defenders that can be accessed from the web

1. UN and regional mechanisms for Human Rights Defenders

- UN declarations and resolutions on human rights defenders
  http://www.unhchr.ch/html/menu2/7/b/mdef.htm

- Reports submitted by the Special Representative on human rights defenders

- UN fact sheet on Human Rights Defenders: Protecting the Right to Defend Human Rights

- Guidelines for submission and allegations to the Special Representative of Secretary-General on human rights defenders
  http://www.unhchr.ch/html/menu2/7/b/mdef.htm

- European Union Guidelines on Human Rights Defenders

- European Court of Human Rights
  http://www.echr.coe.int/echr

- Inter American Commission on Human Rights
  http://www.cidh.oas.org

- African Commission on Human and peoples rights
  http://www.achpr.org

2. International Criminal Court

- http://www.icc-cpi.int

3. Civil and political rights manual

4. Regional Consultations

- Consultative workshop on Women Human Rights Defenders in Africa, Dakar, Senegal, 18-19 November 2004
  http://www.ishr.ch/sitemap.htm

- Seminar “Protection of Human Rights Defenders in Africa: International Norms and Strategies”
  Dakar, Senegal, 11-13 October 1999
  http://www.ishr.ch/sitemap.htm

- Consultation Human Rights Defenders with the UN Special Representative of the Secretary General on Human Rights Defenders Report, Bangkok, Thailand, April 2003, Asia Pacific Forum on Women, Law and Development (English)
  http://www.apwld.org/pdf/final_report_on_WHRD.pdf

5. Others

- Intersection Activity report presented by Commissioner Jainaba Johm in her capacity as commissioner and also as Special Rapporteur on human rights defenders in Africa (36th ordinary session)
  http://www.ishr.ch/about%20ISHR/HRDO/Regional&Intl%20Documents/ACHPR36th-Johm.pdf

- Witness, strategies for using video in human rights advocacy
  http://www.witness.org/Training/Video_Advocacy_Tools/Effective_Strategies_for_Video_Advocacy/

- Stop violence against women campaign: voices from the frontline
  http://web.amnesty.org/actforwomen/index-eng
## Annex 2: Program

### SCHEDULE DAY 1
**Tuesday 29 November 2005**

<table>
<thead>
<tr>
<th>TIME</th>
<th>EVENT</th>
<th>OBJECTIVES</th>
<th>SPEAKERS</th>
<th>LOCATION</th>
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| 9:00 - 10:30| Plenary 1:                                  | 1. Provide a brief introduction to the WHRD campaign and outline the objectives and outcomes of the international consultation;  
|            | Opening Plenary                            | 2. To introduce the participants to the concept of WHRD and the importance of giving recognition on WHRDs and their concerns; | Video presentation: Tribute to WHRDs  
|            | Our Sisters, Ourselves:                    |  
|            | Defending Women Human Rights Defenders      | Nimalka Fernando, Women’s Alliance for Peace and Democracy/IMADR, Sri Lanka: Welcome remarks  
|            |                                             | Keynote Speaker: Hina Jilani, UN Special Representative to the Secretary General on Human Rights Defenders: Keynote Address - Defending Women, Defending Rights  
|            |                                             | Charlotte Bunch, Center for Women’s Global Leadership, USA: Introduction to the WHRD Campaign and International Consultation  
|            |                                             | Moderator: Mary Jane N. Real                                                                         | Crystal Room, upper* |
| 10:30-11:00| Coffee and Tea Break                       | Press Conference with Hina Jilani, UN Special Representative to the Secretary General on Human Rights Defenders  
|            |                                             | Moderator: Melinda Ann Ching-Simon                                                                  | Crystal Room, upper  
|            |                                             | Longdon                                                                                              |                       |
| 11:00-12:30| Plenary 2:                                  | 1. To highlight the key problems and obstacles faced by WHRDs;  
|            | Panel Presentation on Problems and Obstacles | 2. To highlight the emerging patterns of violations and abuses against WHRDs;  
|            | Faced by WHRDs                              | Ruth del Valle Cobar, Movimiento Nacional por los Derechos Humanos, Guatemala: State violence and repression against WHRDs;  
|            |                                             | Marieme Helie Lucas, Women Living Under Muslim Laws, France/Algeria: Fundamentalisms and WHRDs       | Crystal Room, upper  
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<th>TIME</th>
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<tr>
<td>12:30-14:30</td>
<td>Lunch Break</td>
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<td>On Golden Pond</td>
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<td>Film – showing Caucuses</td>
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<td>Mix Bar</td>
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<td>Any of the function rooms</td>
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<td>14:30-16:30</td>
<td>Break-out session 1: Group discussion on</td>
<td>1. To identify gender-based forms of human rights violations, threats, risks, and their consequences on WHRDs by region.</td>
<td>Regional Workshops</td>
<td>Longdon Regency</td>
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<td>issues and concerns faced by WHRDs within regional contexts</td>
<td>2. To discuss the concepts and key concerns of WHRDs within each regional context.</td>
<td>• Asia-Pacific</td>
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<td>• Latin America and the Caribbean</td>
<td>Araliya Gregory</td>
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<td>• Middle East and North Africa</td>
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<td>• Europe and North America</td>
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<td>By appointment</td>
<td>Sharing of Cases and Testimonies of Women Human Rights Defenders with Hina Jilani, UN Special Representative to the Secretary General on Human Rights Defenders</td>
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<td>Board Room, 6th floor</td>
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<td>17:00-18:30</td>
<td>Plenary session 3: Reporting Back</td>
<td>1. to synthesise the gender-based forms of human rights violations, threats, risks, and their consequences on WHRDs;</td>
<td>Rapporteurs:</td>
<td>Crystal Ballroom, upper</td>
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<td>• Svetlana Durkovic, Organisation Q, Bosnia &amp; Herzegovina</td>
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<td>• Kimberly Vance, ARC International, Canada</td>
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<td>• Tony Kasim, Sisters In Islam, Malaysia</td>
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<td>• Donna Ann Marie Smith, Forum for the Empowerment of Women, Jamaica</td>
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<td>• Ndeye Nafissatou Faye, Reseau SIGGIL JIGEEN, Senegal</td>
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<td>• Itoro Eze-Anaba, Legal Defense and Assistance Project, Nigeria</td>
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<td>• Karina Sarmiento, Fundacion Esquel, Ecuador</td>
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<td>Moderator: Immaculada Garcia</td>
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<td>19:30 -</td>
<td>Welcome Reception hosted by the WHRD-ICC</td>
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<td>South Lawn</td>
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<td>09:00-10:30</td>
<td>Plenary session 4: Panel Presentation on Protecting Rights, Preventing Abuses: UN and Governmental Mechanisms for the Protection of WHRDs</td>
<td>1. To outline and assess the existing UN and governmental mechanisms for the protection of WHRDs; 2. To identify further strategies and mechanisms for the prevention of abuses and protection of WHRDs.</td>
<td>Julie de Rivero, International Service for Human Rights, Switzerland: UN and other international/regional mechanisms on WHRDs Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Using and accessing the UN Special Rapporteur mechanism for the protection of WHRDs Kamala Chandrakirana, Komnas Perempuan, Indonesia: Role of national human rights institutions in the protection of WHRDs Luz Marina Monzon, Colombian Commission of Jurists, Colombia: Accessing governmental and non-governmental mechanisms for the protection of WHRDs Moderator: Nevena Vuckovic Sahovic</td>
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<td>Crystal Ballroom, upper</td>
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<tr>
<td>10:30-11:00</td>
<td>Coffee and Tea Break</td>
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<td>Crystal Ballroom, upper</td>
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<td>11:00-12:30</td>
<td>Plenary session 5: Panel Presentation on NGO Experiences in Accessing Mechanisms and Tools for the Protection of WHRDs</td>
<td>1. To highlight the various initiatives of NGOs for the prevention of abuses and protection of WHRDs. 2. To critically discuss these initiatives in the context of the problems and obstacles faced by WHRDs.</td>
<td>Zazi Sadou, Women Living Under Muslim Laws, Algeria: Strategies of a network in supporting WHRDs at risk Lohana Berkins, Association for the Struggle for Transgender Identity, Argentina: Strategies of LGBTI groups to counter sexuality-based attacks against WHRDs Lepa Mladjenovic, Autonomous Women’s Center Against Sexual Violence, Serbia and Montenegro: Psychological Well-being and Protection for WHRDs Moderator: Ruki Fernando</td>
<td>Crystal Ballroom, upper</td>
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<td>12:30-13:30</td>
<td>Lunch Break</td>
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<td>On Golden Pond</td>
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| 13:30-15:30 | Break-out session 2: Concurrent Thematic Workshops on Prevention of Abuses and Protection of WHRDs | 1. To have a deeper understanding of emerging and persistent violations and abuses against WHRDs.  
2. To identify one or two actions/strategy (ies) needed for the protection of WHRDs and prevention of abuses against WHRDs.  
3. To identify effective strategies to make different state and non-state actors accountable for violations and abuses against WHRDs. | Thematic Workshops  
- Fundamentalisms (WLUMIL)  
- Sexuality based-attacks (CWGL, IGLHRC)  
- State repression (APWLD, AI)  
- Family/Community (AI, APWLD)  
- Neo-liberal Globalisation (APWLD)  
- The ‘Security Imperatives’ (ISHR, Human Rights First) | Regency  
Gregory  
Mix Bar  
Araliya  
On Golden Pond |
| By appointment | Sharing of Cases and Testimonies of Women Human Rights Defenders with Hina Jilani, UN Special Representative to the Secretary General on Human Rights Defenders | | Board Room, 6th floor |
| 16:00-18:00 | Break-out session 3: Concurrent Skills Workshops on Prevention of Abuses and Protection of WHRDs | 1. To impact basic skills on various strategies, which can be used for the protection of WHRDs and the prevention of abuses against them. | Skills Workshops  
- Security training (Front Line)  
- Urgent Action Tools (OMCT, IGLHRC)  
- Documentation, Investigation and Monitoring (Forum Asia, INFORM)  
- Psychological Well-Being for WHRDs (Autonomous Women’s Center against Sexual Violence)  
- Campaign and Advocacy (AI, CWGL) | Longdon  
Regency  
Araliya  
Mix Bar  
Gregory |
| 19:30 | Cocktails hosted by the Urgent Action Fund | | Tharanga Terrace, Ceylon Continental Hotel |
### SCHEDULE DAY 3
Thursday 1 December 2005

<table>
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<th>OBJECTIVES</th>
<th>SPEAKERS</th>
<th>LOCATION</th>
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| 9:00 - 10:15 | Plenary 6: Panel Presentation Justice for WHRDs and Accountability for Violations and abuses | 1. To discuss the problems and obstacles to justice for WHRDs; 2. To have a critical discussion about the state both as a violator of rights of WHRDs and a body with a primary duty to safeguard the rights of WHRDs; 3. To discuss the different types of non-state actors and to identify appropriate mechanisms to hold them liable for violations against WHRDs. | Aruna Mamei, Amnesty International, Sierra Leone: Accountability for violations by the State against WHRDs  
Susana Fried, International Gay and Lesbian Human Rights Commission, USA: Accountability for obstacles faced by WHRDs in the family/community  
Julia Silvia, Católicas por el derecho a decidir, Argentina: Accountability for violations against WHRDs by fundamentalist forces | Crystal Ballroom, upper |
| 10:15-10:45 | Coffee and Tea Break                                                  |                                                                                                                                             |                                                                                                                                            | Crystal Ballroom, upper   |
| 10:45-12:00 | Miloon Kothari, UN Special Rapporteur on Adequate Housing: WHRDs and Accountability for violations by state and non-state actors in the context of neoliberal globalization  
Vahida Nainar, Gender Justice Initiative, India: WHRDs and Accountability for violations by state and non-state actors under the International Criminal Court Statute  
Moderator: Hilary Fisher |                                                                                                                                             |                                                                                                                                            | Crystal Ballroom, upper   |
| 12:00-14:00 | Lunch Break  
Film-showing  
Caucuses                                                                 |                                                                                                                                             |                                                                                                                                            | On Golden Pond Mix Bar Any other function room |
| 14:00-16:00 | Break-out session 4: Group discussion on key actions for future collaborations on WHRDs | 1. To identify key actions and collaborations of networks on WHRDs at different levels. | Action Workshops  
Regency Araliya Longdon Gregory Mix Bar | Regency Araliya Longdon Gregory Mix Bar |
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<th>Time</th>
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<th>Speakers</th>
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<td>16:30-18:00</td>
<td>Plenary 7: Closing Moving Forward Together: Future Collaborations on WHRDs</td>
<td>1. To synthesize the outcomes of the consultation.</td>
<td>Rapporteurs:</td>
<td>Crystal Ballroom, upper</td>
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<td>2. To outline the follow-up actions after the international consultation.</td>
<td>• Svetlana Durkovic, Organisation Q, Bosnia &amp; Herzegovina</td>
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<td>• Kimberly Vance, ARC International, Canada</td>
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<td>• Tony Kasim, Sisters In Islam, Malaysia</td>
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<td>• Donna Ann Marie Smith, Forum for the Empowerment of Women, Jamaica</td>
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<td>• Ndeye Nafissatou Feye, Reseau SIGGIL JIGEEN, Senegal</td>
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<td>• Itoro Ezé-Anaba, Legal Defense and Assistance Project, Nigeria</td>
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<td>• Karina Sarmiento, Fundacion Esquel, Ecuador</td>
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<td>Moderator: Charlotte Bunch</td>
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<td>19:30-</td>
<td>Farewell dinner hosted by the WHRD-ICC and Madame Kum-Sil Kang, Ambassador on Women’s Human Rights, Republic of Korea</td>
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<td>Barbeque Beer Garden, Ceylon Continental Hotel</td>
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# SCHEDULE DAY 4
**Friday 2 December 2005**

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<th>SPEAKERS</th>
<th>LOCATION</th>
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| 9:00 - 11:00 | Public Event: “Imagining the Future of the WHRD Campaign” | 1. To share with the public the outcomes of the international consultation  
2. To generate public support for the protection of WHRDs and the prevention of abuses against them | Opening remarks  
Radhika Coomaraswamy, Human Rights Commission, Sri Lanka  
Guest Speakers  
Irene Khan, Amnesty International, UK  
Miloon Kothari, UN Special Rapporteur on Adequate Housing  
Reflections from the participants  
Noeline Nabulivou, Women’s Action for Change, Fiji  
Flor de Maria Meza, CLADEM, Uruguay  
Amal Hadi, New Woman Foundation, Egypt  
Jennifer Williams, Women of Zimbabwe Arise, Zimbabwe  
Khalida Saeed, Al Fatiha Foundation, USA  
Closing remarks and Response from the WHRD-ICC  
Sunila Abeyesekera, INFORM, Sri Lanka: Moderator: Susana Fried | Crystal Ballroom, upper |
| 11:00 - 13:00 | Press Conference | Moderator: Zainah Anwar | - | Longdon |
| 13:00- | Lunch Break | - | - | On Golden Pond |
| 14:00- | Tour or shopping in the city (optional) | - | - | - |
Annex 3 : Women Human Rights Defenders’ International Coordinating Committee

Amnesty International (AI)
www.amnesty.org

AI is a worldwide movement of people who campaign for internationally recognised human rights to be respected and protected. It is concerned with the impartial protection of human rights, envisioning a world in which every person enjoys all the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. On 5 March 2004, it launched the Stop Violence against Women campaign, which focuses on violence against women in the family and in conflict. In partnership with women’s organisations and other groups, it seeks to address discrimination as a root cause of violence against women and intends to take action on behalf of particular individuals to stop these violations. Through this campaign, AI has developed and used campaign tools to highlight the profiles and cases of WHRDs.

Asia Pacific Forum on Women, Law and Development (APWLD)
www.apwld.org

APWLD is a network of lawyers, academics, social scientists, grassroots women and other activists from across Asia Pacific. It aims to promote women’s human rights enshrined in the UN international human rights instruments and to enable women in the region to use law as an instrument of change for equality, justice and development. With a membership of close to 150 individuals and organisations, it operates through task forces than run programmes on women’s human rights, violence against women, women’s participation in political processes, labour and migration, women and environment and rural and indigenous women. It has recently adopted a campaign on women human rights defenders, focusing on the concerns of its activist-members facing threats and violations as WHRDs.
Asian Forum for Human Rights and Development (FORUM ASIA)
www.forum-asia.org

FORUM ASIA is a membership-based regional human rights organisation in Asia with 36 member organisations in 14 countries in the region. It strives to empower people by advocating social justice, sustainable human development, participatory democracy, gender equality, peace and human security through collaboration and cooperation among human rights organisations in the region. It has a programme on human’s defenders, which aims to protect human rights activists and practitioners by supporting their work and strengthening both domestic and international human rights protection mechanisms in accordance with established human rights standards and norms.

Center for Women’s Global Leadership (CWGL)
www.cwgl.rutgers.edu

CWGL at Douglass College, Rutgers University seeks to develop an understanding of the ways in which gender affects the exercise of power and the conduct of public policy internationally. The Center’s goals are to build international linkages among women in local leadership that enhance their effectiveness, expand their global consciousness and develop coordinated strategies for action; to promote visibility of women and feminist perspectives in public deliberation and policy-making globally; and to increase participation of women in national and international governing bodies and processes. The Center conducts various activities that support women’s leadership and transformative visions as crucial in every policy area, and develops effective policy alternatives which demand the full inclusion of gender perspectives and women in all decision-making processes and requires an understanding of how gender relates to race, class, ethnicity, sexual orientation and culture. Together with the IGLHRC, it recently released a report “Written Out: How Sexuality is Used to Attack Women’s Organizing”.

Front Line
www.frontlinedefenders.org

Front Line is an international foundation for the protection of human rights defenders, defending those who champion the Universal Declaration of Human Rights. Its main focus is on human rights defenders at risk, either temporarily or permanently because of their work. It aims to address some of the needs
identified by defenders themselves, including protection, networking, training and access to the thematic and country mechanisms of the UN and other regional bodies. Every two years, it hosts "The Dublin Platform for Human Rights Defenders," which provides an opportunity for human rights defenders worldwide to come together to exchange experiences and discuss relevant issues. The 3rd Dublin Platform for Human Rights Defenders held last 13 – 15 October 2005 included a focus on WHRDs.

INFORM

INFORM

INFORM is a Sri Lankan human rights organisation with a special focus on monitoring, documentation and networking. It also functions as a library and documentation centre for journalists, students and others seeking information regarding the human rights situation in Sri Lanka. It is the local host of the International Consultation on Women Human Rights Defenders.

International Gay and Lesbian Human Rights Commission (IGLHRC)

www.iglhrc.org

IGLHRC works to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based non-profit, non-governmental organisation, IGLHRC engages in advocacy, documentation, coalition building, public education, and technical assistance. Particularly, it helps educate its constituencies about human rights and sexual orientation/gender identity. It co-published with CWGL the report "Written Out: How Sexuality is Used to Attack Women's Organizing."

International Service for Human Rights (ISHR)

www.ishr.ch

ISHR is an international association that promotes the effective protection of human rights defenders and aims to empower human rights organisations and individuals to access and use human rights mechanisms at regional, national and international levels. It services human rights defenders by
providing analytical reports on the UN human rights mechanisms, training on how to use the international norms and procedures, strategic advice for effective lobbying, contributions to human rights standard-setting, practical information and logistical support to enable human rights defenders to take full advantage of international human rights law and procedures.

**ISIS Women’s International Cross-Cultural Exchange (ISIS-WICCE)**

[Website](http://www.isis.or.ug)

ISIS-WICCE is a global action oriented women’s resource centre with the aim of promoting justice and women’s human rights through documentation of women’s realities and sharing of information and ideas to improve women’s status and overcome gender inequality. Since its relocation in Kampala, Uganda, it has focused on building women’s capacity in documentation, peace building and conflict resolution; and the use of information and communication technologies for networking, lobbying and advocacy. It has been the subject of harassment from conservative forces in Uganda as a member of the V Day Host Committee that planned to stage the play “The Vagina Monologues” by Eve Ensler.

**The Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM)**

[Website](http://www.cladem.org)

CLADEM is a network of women’s organisations and individuals united to achieve the effective defense of women’s rights in Latin America and the Caribbean. It engages in various activities for the promotion of women’s rights such as: formulating legislative proposals, research, training, informing, communicating and exercising solidarity actions. Like APWLD, it is a regional network that empowers women to use law as a tool for change.
Women Living under Muslim Laws (WLULM)
www.wluml.org
WLULM is an international solidarity network that provides information, support and a collective space for women whose lives are shaped, conditioned or governed by laws and customs said to derive from Islam. The network demands for women’s equality and their rights, especially in Muslim contexts. It aims to increase the autonomy of women by supporting their local struggles from within Muslim countries and communities and linking them with feminist and progressive groups at large; facilitating interaction, exchanges and contacts, and providing information as well as serving as a channel of communication.

World Organisation against Torture (OMCT)
www.omct.org
OMCT is an international coalition of over 260 NGOs in 85 countries, including the SOS-Torture Network, fighting against torture, arbitrary detention, summary and extra judicial executions, forced disappearances and all other forms of cruel, inhuman or degrading punishment. In response to the increasing number of cases on gender-specific forms of violence, OMCT established in 1996 the Violence against Women (VAW) Programme, which addresses and analyses the gender-related causes and consequences of torture and other forms of violence against women. The OMCT VAW Programme issues urgent appeals concerning gender-based violence; submits alternative country reports on violence against women to the UN Committee on the Elimination of Discrimination against Women; and mainstreams a gender perspective into the work of the UN treaty monitoring bodies. It has issued and supported urgent appeals on WHRDs.
Recognition of women human rights defenders; 
Resistance to State violence 
Responsibility by non-State actors 
Realization of all human rights for all!

WHRD-ICC Secretariat  c/o Asia Pacific Forum on Women, Law and Development
Girls Guide Association Compound 189/3 Changklan Road, Amphur Muang Chiang Mai 50101, Thailand
Tel : (66) 1 4864436 Fax : (66) 53 280847 Email : whrd@apwld.org
Website : www.defendingwomen-defendingrights.org