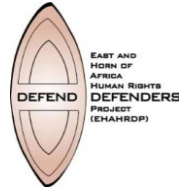




Women Human Rights Defenders
International Coalition



ISHR | INTERNATIONAL SERVICE
FOR HUMAN RIGHTS

Women Human Rights Defenders Inter-Regional Meeting

Banjul, The Gambia, 4-6 November 2010

Introduction

Women Human Rights Defenders (WHRDs) from across Africa came together for a meeting to analyse the nature of their experience as WHRDs, as a first step in defining means to better promote and protect their work. Participating in the event were WHRDs from Asia and Latin America who shared advocacy strategies for promoting the work of WHRDs from their regions. The meeting was hosted by the African Centre for Democracy and Human Rights Studies (ACDHRS), Conectas Direitos Humanos, International Service for Human Rights (ISHR), the East and Horn of Africa Human Rights Defenders Network (EHAHRDN), the West Africa Human Rights Defenders Network (WAHRDN/ROADDH) and the Women Human Rights Defenders International Coalition (WHRD IC).

The meeting was held in the days before the NGO Forum, with the objective of producing momentum to discussions and lobbying on the need for promotion and protection of the work of WHRDs, both at the Forum and the subsequent Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR). Very present in the minds of many were the ongoing judicial proceedings against the Gambian WHRDs Dr. Touray and Ms Bojang-Sisoho from the Gambian Committee on Traditional Practices (GAMCOTRAP). Both WHRDs spoke at the opening ceremony of the meeting.

In sessions throughout the consultation, ACHPR Commissioners shared experiences and made recommendations. Those participating were the Chairperson, Mrs Reine Alapini Gansou, Special Rapporteur on Human Rights Defenders in Africa, Mr Mohamed Khalfallah, and Special Rapporteur on the Rights of Women in Africa, Mrs Soyata Maiga.

A participant invited from Somalia was unable to attend due to the plane she was due to travel on being requisitioned for military purposes. The absence of this WHRD was a stark reminder of the particular challenges faced by HRDs in conflict areas.

Objectives

The consultation had the following objectives:

- to explore the value of identification as a WHRD
- to analyse the challenges faced by WHRDs
- to examine the value and process of documenting violations against WHRDs and the context in which they occur
- to start to define strategies to contest violations against WHRDs, including through engagement with regional and international human rights mechanisms
- to provide the opportunity for WHRDs from different regions to share and identify common experiences, and carry out joint analyses of the challenges they face

- to provide WHRDs with the opportunity to brief ACHPR Commissioners, and to learn more about how the ACHPR mechanisms might be used to better promote and protect the work of WHRDs.

To encourage participants to reflect on their experience prior to the consultation, a questionnaire was circulated ahead of time. (See Annex 1)

Agenda

Day 1	Day 2	Day 3
<p>9:00 Welcome and short introductions by Special Procedures and host organisations</p> <p>9:45 Introductions of participants</p> <p>10:45 Objectives of regional meeting</p>	<p>8:30 Recap and overview of the day</p> <p>9:00 Piloting the documentation manual: Linking context and violation</p>	<p>8:30 Recap and overview of the day</p> <p>9:00 Developing regional strategic plans</p>
11:00 Coffee break	11:00 Coffee break	11:00 Coffee break
<p>11:20 Introducing mandates of UN and African Special Procedures</p> <p>12:00 Questions and answers session with Special Procedures from ACHPR - Chair of the ACHPR - Special Rapporteur on HRDs - Special Rapporteur on the Rights of Women</p>	<p>11:20 Linking context and violation (continued)</p>	<p>11:20 Developing regional strategic plans (continued)</p>
12:45 – 14:00 Lunch	12:45- 14:00 Lunch	12:45 – 14:00 Lunch
<p>14:00 Overall challenges faced by WHRDs Overview of WHRD framework</p>	<p>14:00 Using international and regional mechanisms</p>	<p>14:00 Preparation of resolution for NGO Forum ACHPR or final statement</p>
15:00 Coffee break	15:00 Coffee break	15:00 Coffee break
<p>15:15 Identifying key challenges faced by WHRDs</p> <p>17:00 Conclude</p>	<p>15:15 Using international and regional mechanisms (continued)</p> <p>17:00 Conclude</p>	<p>18:00 Reception and press event</p> <p>17:00 Conclude</p>

Who is a WHRD?

A plenary discussion was held on the following questions:

1. Who is a WHRD?
2. What challenges are faced by WHRDs?
3. Which violations of human rights do you experience because of who you are, and which because of what you do?

Participants described a WHRD as 'an activist working for the defence of their own rights and the rights of others' and 'a woman fighting against oppression, inequality, discrimination, and the promotion of social justice.' Some considered WHRDs to be 'feminists' or 'militants for human rights' challenging social structures and impunity. Characteristics of WHRDs included 'passion'.

The work of WHRDs is about 'changing the mindset of women, so that they are not victims'. There was general agreement that upholding the universality of human rights was key, as one participant noted, 'As a human rights defender I defend all human rights'. Risks faced by WHRDs were discussed, with one activist asking 'What makes an African WHRD vulnerable? Is it because you are a woman, or because you defend women's rights?' A couple of activists asked whether men could be WHRDs.

One participant was of the opinion that a WHRD could be a woman defending rights, a woman working on women's rights or a man defending women's rights. Others noted that the WHRD framework helps us understand common challenges we face. Human rights can be a useful framework for women's empowerment.

The definition of WHRD developed during the International Campaign on WHRDs was presented as another perspective. (See below for more on the WHRD International Campaign and Coalition).

The Campaign (now Coalition) asserts that those advocating for women's human rights - no matter what gender or sexual orientation they claim - are human rights defenders. This includes women activists as well as men who defend women's rights; lesbian, gay, bi-sexual, and transgender and intersex (LGBTI) defenders and groups committed to the advancement of women's human rights and sexual rights. The similar experience of attack and intimidation of many women HRDs, and others working on women's human rights and sexual rights (including sexual orientation and gender identity) suggest that a collective identification is useful. The Coalition analysis understands WHRDs to be targeted because of who they are and/or because of what they do. Attacks against them can be gender-specific (for example, many instances of sexual violence), or have a gendered consequence (for example, the stigma associated with the arrest of a WHRD is likely to be higher for a WHRD than a male colleague, because of the way women's roles are seen in particular societies). The impact of attacks and intimidation can therefore impact disproportionately upon WHRDs.

WHRDs can be targeted by different actors such as religious groups, tribal elders, community members, family members and even the human rights community itself who uphold these patriarchal institutions and values.

During the opening ceremony, Dr Touray reminded the assembly that 70 percent of Gambian women are 'illiterate, poor and powerless'. That 'we are first and foremost women' and 'struggling for women's rights is a choice we make.'

Challenges faced by WHRDs

A range of risks, threats and constraints were identified. Inequality and discrimination against women is the first and principle barrier faced by WHRDs. This is frequently the experience in patriarchal societies. WHRDs can be isolated. As one participant noted, 'Being born a woman is a barrier to women's progress in communities'.

Specific violations such as rape, violence and mistreatment were cited. Sexual violence and sexual harassment, even from others in the human rights community, is common. So are attacks on a WHRD's reputation and slurs about her or his private life. WHRDs can be 'accused' of being lesbian (or gay) as a means to silence her or him.

A lack of recognition of the legitimacy of the work of WHRDs was noted, as was a lack of knowledge by government authorities and other authorities, including the judiciary, about the challenges faced by WHRDs. Authorities won't receive activists because they are a woman, requiring WHRDs to force their way into offices to deliver their message.

Much focus was placed on the impact of 'fundamentalist' agendas that discriminate and attempt to roll back advances on women's human rights.

Many women don't choose to pursue social and political activism because they fear losing their family or community. Many experience pressure from family, for example the threat of divorce if she doesn't stop her work. The fear of exclusion from family and community is very real.

When a WHRD is arrested their needs will be different from those of male prisoners, particularly if she is pregnant when arrested or has children.

Identifying effective responses to these challenges remained a constant challenge – including finding progressive religious leaders, or finding funds to challenge violators who themselves are frequently very well resourced.

Women across the world face similar problems, including violence against them. Those that struggle for change and challenge impunity face challenges. Activists that draw on international human rights standards can be accused of being 'Western' or unpatriotic. This can be common with LGBTI activists who are considered to be focusing on a 'eurocentric' issue.

Given these challenges how can engaging with international and regional human rights mechanisms assist in contesting them?

Engagement with international mechanisms

The following questions guided discussion:

- Why did you choose this mechanism to work with?
- What challenges did you face?
- In engaging with this mechanism, what worked well?
- How did engaging with this mechanism complement other strategies you were pursuing?
- How can this mechanism be used specifically to address threats against WHRDs?

Commissioner Maiga added an additional, overarching question: how do you influence gender politics through the engagement with UN mechanisms?

Participants noted that engaging with the UN human rights mechanisms was a means to try to hold governments to account for their human rights obligations. International human rights mechanisms can assist in promoting the understanding and application of a gender perspective regionally and nationally. To enable mechanisms to do this, civil society needs to keep submitting cases and information to them, to build up pressure on a topic, and make it visible. Commissioners can then call on Member States for a response on particular human rights problems. Some participants felt that there was a 'duty' to submit information to treaty bodies.

The risks associated with engaging with human rights mechanisms were noted. Examples were given of WHRDs being threatened when they travelled to Geneva to lobby around their NGO report findings. A lack of financial resources and advocacy capacity also hampers efforts to engage.

Groups focused on three international mechanisms: the Committee on the Elimination of Discrimination Against Women (CEDAW), the Universal Periodic Review (UPR) and the mandate of the UN Special Rapporteur on HRDs.

CEDAW

WHY USE THIS MECHANISM?

The Universal Declaration on Human Rights (UDHR), ICCPR and ICESCR were recognised as not sufficient to protect and promote the rights of women, so CEDAW was developed, along with other thematic instruments, to provide additional protection and bring greater recognition to women's human rights concerns. CEDAW demands a transformation in attitudes and behaviours. It addresses the social and cultural context of discrimination against women which is a huge barrier to WHRDs work. There is a 'natural' fit between what is laid out in CEDAW and the concerns of many WHRDs. CEDAW is a powerful tool for change. Article 5 has the potential to change attitudes and values, as well as relations between men and women.¹

Participants noted that the openness of the CEDAW Committee to work with NGOs was a great advantage. Participants from Latin-America shared that CEDAW compliments the regional mechanisms including the jurisprudence.

As one participant noted, the Maputo Protocol is a similar text reacting to a world where patriarchy exists.² The Maputo Protocol was designed to address key issues in women's human rights, including inheritance rights, economic empowerment, violence against women and the right to sexual health.

CHALLENGES FACED?

Participants noted that lack of implementation by the state of concluding observations was a key challenge. Some participants shared that they face backlash when they engage in human rights processes such as CEDAW and are accused of being Western.

¹ <http://www.ncwnz.org.nz/assets/Uploads/CEDAW-Articles.pdf>

² The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. <http://www.achpr.org/english/women/protocolwomen.pdf>

WHAT WORKS?

Building coalitions with others to prepare shadow reports and try to establish consensus on strategies to follow the reporting process.

Being prepared by knowing the dates of upcoming committee meetings.

A sense of self-esteem and belief to ensure WHRDs can face the backlash that may come from the state, their family and their community!

UPR

WHY USE THIS MECHANISM?

The UPR is a process all Member States of the UN have to participate in on an equal footing. As the review considers recommendations from other human rights mechanisms, it is a means of reinforcing recommendations across mechanisms. It can be used to remind States of their responsibilities under the UN Declaration on HRDs.

The Review provides a means of educating a population, NGOs, institutions, States and the UN about the human rights situation in a country. NGOs have the opportunity to submit a report, including one focused on women's rights. It is important for NGOs to consider their reports as reports of equal standing with States' reports, not as 'shadow' reports. Civil society has a key role to play in demanding that the State take the process seriously. It is important for women's groups to press to be part of joint coalitions for the submission of information to UPR. Be assertive, take the initiative, and work with international organisations! We should insist that the challenges faced by WHRDs be included in the reports!

CHALLENGES FACED?

States ignoring civil society, for example in the case of South Africa who drafted its report without consulting civil society. There was then concern that neighbouring States, e.g. Swaziland and Zimbabwe, would also exclude civil society from the process, citing South African practice. This experience, however, has encouraged civil society to be more robust.

It can be difficult to collaborate with those outside the women's movement in writing a joint report. It can be challenging to get women together to draft a report.

Intimidation and threats against WHRDs engaged in the process. In one example, women who were leading the report were humiliated by State representatives for not being 'representative'. The WHRDs involved felt vulnerable and isolated. In another, government pressure split the civil society group submitting a report, leading one side to turn against former colleagues. In one further example, WHRDs who attended the review of their State were accused by government representatives of being prostitutes, and selling out the government for EU money. The WHRDs were left dealing with the situation as other NGOs, under pressure, disassociated themselves from them. Overall, keeping enthusiasm and spirits high until the start of the next reporting cycle is due can be a challenge.

WHAT WORKED WELL?

Working as a group, and encouraging women to participate worked well. The solidarity experienced between WHRDs was key. Establishing a good relationship with members of the government, where possible, is important.

HOW CAN THIS MECHANISM BE USED SPECIFICALLY TO ADDRESS THREATS AGAINST WHRDS?

The UPR was seen as a means to press for the establishment of protection mechanisms, particularly for WHRDs. As a process it could galvanise WHRDs locally to work together to submit a report on WHRDs.

Several participants noted States could be encouraged to form committees with a specific gender focus, for effective follow-up on UPR recommendations. The UPR is another opportunity to spell out women's rights. Keep knocking at the door! Look for solutions!

UN Special Procedures

(UN Special Rapporteurs, working groups and independent experts)

WHY USE THIS MECHANISM?

Individuals can engage with this mechanism at any time, for example through submitting communications. Prior engagement with other UN mechanisms encouraged some participants to make use of the mandate of the UN Special Procedures - it provided an opportunity to keep the attention of the UN on the country.

CHALLENGES FACED?

During country visits it is a challenge to ensure the government doesn't control the agenda of the visit and decide who the Special Rapporteur (SR) will meet with. NGOs need good advance warning of a visit to ensure that they can report fully to the SR. If the SR is not responsive to the concerns of HRDs, this can destroy the trust of victims and HRDs who communicate with them. HRDs have concerns about reprisals if they interact with Special Procedures, because of the monitoring of HRD activities by State agents.

WHAT WORKS WELL?

Thorough preparation by HRDs is important prior to a country visit, as is a clear definition of how to fit the visit and SR report into broader HRD strategies to advance human rights. An effective NGO network can brief the SR on the local context and work to fit SR recommendations into ongoing NGO advocacy and campaigning. Working with the media during and after the visit of a Special Rapporteur.

HOW CAN THE MECHANISM COMPLEMENT OTHER STRATEGIES?

Recommendations made by the SR are incorporated in the input from UN human rights mechanisms to the UPR. Recommendations from Special Procedures can be a tool for a public campaign. In general, it was felt to be an effective entry point for a conversation between civil society and the government.

How can this mechanism be used specifically to address threats against WHRDs?

Gender is an issue that is relevant in all human rights areas, and engaging with Special Procedures can encourage that understanding.

This consultation did not aim to explore in depth how to choose which mechanism to prioritise in any advocacy strategy. However information was circulated with all references made to WHRDs in concluding observations and recommendations by UN treaty bodies, Special Rapporteurs and the UPR.

Conversation with the Special Rapporteur on HRDs in Africa (SR HRD)

Country visits were the focus of most of this session. Participants asked about how civil society could press for a visit, and ensure that they could meet with the Special Rapporteur. They emphasised the need for the SR HRDs to let NGOs know of planned country visits as soon as possible, so that NGOs are able to ensure meeting with him or her. The Special Rapporteur noted that getting countries to agree to the country visit was not easy.

Legislation restricting NGOs in some countries can mean that the State will effectively be defining which HRDs the Special Rapporteur meets with. However, Commissioners' discussions with governments frequently focus on allowing NGOs to register, and press home the point that the role of NGOs is complementary to government action. In discussion with States on LGBTI HRDs, for example, the SR HRD focuses on the fact that this is a group needing specific protection, as do all minority groups. Where the SR HRD's assistant urged HRDs, 'if State tries to break you, carry on! Use networks!', some participants responded that in many countries where there are limits on freedom of expression and association, it is not easy to network.

The SR HRD noted that HRDs is seen as an issue that is of concern to all human rights mechanisms, so mechanisms should work together on the issue. There was general agreement amongst participants that a focus from several Rapporteurs simultaneously can be useful. One participant cited the combined UN SR HRD and SR HRDs in Africa trip to Togo as a good example of this. The mechanisms focused attention on WHRDs which proved useful for later engagement with the UPR report.

In reference to the denial of observer status to the Coalition of African Lesbians by the ACHPR, one participant noted how important observer status is particularly for those who cannot operate openly in their own countries. The Charter allows anyone to approach the African Commission. 'How do you protect a 'vulnerable' group, if you don't even accept their very nature? How can the ACHPR be held more accountable for denying observer status to NGOs?'

Documentation manual project

The International campaign on women human rights defenders, now the International Coalition, was launched in 2005 to highlight the particular challenges faced by women human rights defenders and the need to address these. An initial consultation of women human rights defenders and was held in Sri Lanka in 2005. Several of participants at this consultation were involved in the International Campaign.

The development of a 'Manual to document violations against WHRDs' is a project of the WHRD International Coalition, building upon its previous publication, 'Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders'.³ During the consultation, sections of the draft manual were 'tested' by participants to see if they were useful and relevant.

Participants considered that documenting violations against WHRDs had several different purposes. Documentation establishes the facts of a violation and the context in which it occurred. Documentation is critical to enable the analysis of a situation and the definition of proposed solutions and redress.

³ <http://www.defendingwomen-defendingrights.org/>

Documentation allows for patterns and trends to be detected. It can show that similar things are happening in different places in the world, which can prompt solidarity and joint action across nations, regions and globally. Documentation can track progress and retrogression in the respect of human rights. It can recognise and support victims and survivors, and bring justice for violations. Documentation is a means to record history.

Commissioner Maiga mentioned that the ACHPR receives few communications from women. Documentation is the first step in raising awareness of the situation of WHRDs with the aim of effecting positive change.

WHY DOCUMENT THE CONTEXT IN WHICH A VIOLATION OCCURS?

One of the areas the Documentation Manual hopes to advance is the documentation of the context - or environment - in which violations against WHRDs take place. The premise is that to change the environment in which WHRDs work, and to better protect and promote this work, we need to analyse the forces that try to constrain women from fully participating in society. This is about building up a capacity to analyse a situation through a gender perspective. To change the context in which to protect and promote human rights, we need to look at the dimensions and dynamics of that context. These dimensions include the legal framework; institutions and policies; the attitude of communities and families.

Participants identified a context that they felt best characterized where they lived and worked. Various possible ways to describe generic contexts were discussed. Whilst 'post conflict / transition' was discussed no participant felt identified with this over other descriptions of context. Some discussion was held about whether to look at a 'democratic or undemocratic state' but this was rejected as it was considered difficult to define a genuinely 'democratic' State. Finally the three contexts explored were 'conflict', 'repressive government' and '(presence of active) cultural and religious fundamentalisms'. The group working on this final context chose to re-define it as 'social fundamentalism'. There was acknowledgement that multiple descriptions could hold in one context, for example the presence of 'fundamentalist' actors in States with repressive government, or in conflict areas. The objective of this first session, however, was to see whether participants from similar contexts would identify similar dimensions which they felt were essential to document to understand what constrained them in their work.

Following discussions on the particular dimensions of their society that constrained them, the groups moved on considering how to contest these, identifying specific objectives, and where time allowed, started defining strategies to achieve these.

Questions the groups discussed:

- Who and what stops you carrying out your human rights work?
- How can we document context in which we work, and what should we document?
- Identifying objectives and starting to define strategies

'Social fundamentalisms'

In the plenary there was discussion about the term 'social fundamentalism', with some who had not yet participated in the group stating the term was not helpful to them.

The group said violations, threats and constraints upon the work of WHRDs were frequently justified in the name of tradition, culture or religion. They discussed some of the dimensions of 'fundamentalist' agendas and influence. This included:

ALLIANCE BETWEEN STATE AND NON-STATE ACTORS (INCLUDING RELIGIOUS LEADERS) IN CONSTRAINING WHRDS

States use all means to repress, including the use of culture and religion, and the people and institutions which uphold them. Traditional leaders are used by the State to further State interests and, in turn, tradition and religious leaders are protected by the Executive so WHRDs cannot challenge them. The power of traditional or religious leaders is augmented in the context of repressive governments because of the interplay between the two. Religious leaders and institutions are used as auxiliary governments. This can lead to the imposition of religious doctrine by those who don't speak for religion. Where non-state actors that object to women's or sexual rights are supported by political parties, this can lead to a break down in the rule of law. Frequently groups portrayed as women's rights groups are in fact 'fundamentalist' associations. These groups are supported by political forces, which the government fears.

LEGAL FRAMEWORK GIVING PRIORITY TO CUSTOMARY LAW:

The impact of religion on the legal framework was highlighted, along with the example of Brazil where abortion is considered a moral sin, but rape is not. In Gambia, a Women's Act is in place but customary law is usually prioritised. If the Constitution doesn't instrumentalize international law, international human rights standards won't help HRDs to prioritise human rights law over customary law. A lack of knowledge about the 'formal' legal system can hinder WHRDs in challenging customary law. For example, in Gambia, religious rather than civil marriage, where there is no certificate for the marriage, leaves women with no protection in the case of divorce.

BARRIERS TO CHALLENGING AUTHORITY:

There is a connection between high levels of illiteracy and people being very wedded to religion. People don't have the confidence to challenge religious leaders. They need to feel a similar level of understanding and knowledge of religious texts as religious leaders do. WHRDs risk exclusion from the religious community. Men explain religion - there are few women preachers.

ATTITUDE OF FAMILY OR COMMUNITY:

Families and communities - the very people a WHRD is closest to - frequently don't understand the work of the WHRDs. WHRDs spoke of how those advocating for women's rights were frequently accused of advancing 'Western values'. Families could accuse activists of 'living like a white', or of being a 'witch'. It was noted how women mobilise on many issues including under the weight of customs, traditions and laws. What do conventions mean in women's realities?

AMBIGUOUS ROLE BY RELIGIOUS LEADERS:

Church and religious leaders can play a divisive role. They may speak out in some cases, for example when an HRD is jailed, but when it comes to most concerns of WHRDs they will support the State. WHRDs can then face the dilemma of compromising on some human rights questions to retain the support of the Church on others.

THE FOLLOWING REFLECTIONS WERE OUTLINED IN GROUP FEEDBACK:

Who is trying to stop you?

- Religious extremists; those that uphold traditions and customs that deny women's rights; communities and families.

What is trying to stop you?

A lack of funds; a lack of protection; non harmonisation of national laws with regional and international instruments; the way in which laws are interpreted; impunity; a lack of solidarity from others in human rights community.

What to document?

Changes in public spaces, e.g. schools, markets, etc; changes in practices, the way community uses the law; the way community uses institutions and associations. Existing laws and legal frameworks. Documenting governments' responses to specific cases of abuse.

Documenting trends through certain indicators, for example, the numbers of girls veiled at university and at school, or numbers of shopkeepers closing at time of prayer- even when they themselves are not of that religion - due to coercion.

Documenting the impact of religious fundamentalist agendas on women, for example the coercive wearing of the veil, does not get the focus from the international community they should. It was only when stories about men being forced to grow beards emerged, that people woke up to these agendas.

HOW TO CHANGE THE CONTEXT WHICH FACILITATES VIOLATIONS AGAINST WHRDS? OBJECTIVES AND STRATEGIES

Objective

To make visible violence against women informed by social fundamentalist agendas.

Strategies

Immediate: NGO resolution to request SRs (on women's rights and HRD) to include a focus on violations based on social fundamentalisms in their reports.

Short term: Defining the concept of social fundamentalism. Documenting violence based on social fundamentalisms. Identifying early signs of social fundamentalisms. Promoting research on VAW.

Short, medium and long term: Sending cases of violence against women due to social fundamentalist actors to regional and UN human rights mechanisms.

Mid-term: Lobbying for the ratification and implementation of Maputo Protocol and other human rights instruments related to women's rights.

Long term: Reducing violations based on social fundamentalisms against women by promoting human rights friendly values and practices in religion, traditions and communities. Pressing for the enforcement of Maputo Protocol and other HR instruments related to women's rights

How will these things be done?

Building strong and effective regional and international alliances. Organising a series of inter-regional dialogues and campaigning. Establishing specific WHRDs protection and alert programmes (regional and international). Requesting the Special Rapporteur to conduct research on social fundamentalism and come up with a thematic report.

Objectives and strategies identified in plenary discussion, included:

The need to define what we mean by 'religious' or 'social' fundamentalisms. The SR HRDs made the point that fundamentalisms adopted a 'unilateral interpretation of religion', and do

not allow for any opposition. They can undermine standards already gained. Fundamentalisms and religion need to be distinguished one from the other.

Analysing what enables fundamentalists to flourish in different places will inform our ability to challenge them. The need to better define warning signs of developing fundamentalist influence. The need to recognise that there is a problem for women and WHRDs, and to make the problem visible.

Change is needed at several levels, including attitudes in society, whilst remembering that behavior and mindsets can't be changed instantly. The Change Maker Campaign was cited an effective model in Asia. We need to celebrate the 'human rights friendly' values in our cultures!

Education and raising awareness of the problem is key. Empower women, through education, to talk about religious laws and verses, in local languages, to enable them to challenge biased interpretations of religious texts. Encourage academics to write about specific cases and promote research on VAW in Africa. Encourage inter-generational and community dialogue, as well as dialogue between faiths.

To circumvent accusations of 'outside interference' it is useful to recruit activists from a particular religion to talk women's rights with other people from the same religion. This can work especially in rural areas.

Conflict

THE FOLLOWING REFLECTIONS WERE OUTLINED IN GROUP FEEDBACK

Who is trying to stop you in your work?

The government, army and military, paramilitaries, armed groups and gangs, local militia, local police, and corporations.

What is trying to stop you in your work?

Military orders, states of emergency and order, restriction of movement, government policy, lack of local law makers, lack of implementation of laws and central government policy, some tradition and cultures, family separation, landmine and insecurity.

How to document

Find out where key sources of information are (e.g. refugee camps). In some situations it may be wise to avoid presenting yourself as a 'human rights' worker. One participant noted how WHRDs have to change their organizational identities, and enter certain areas or communities pretending they were from a different organization considered less 'controversial'. Another approach is not to take notes but settle for the information the WHRD can memorize. Alternatively use code language when taking notes. In another example, an HRD related how members of communities have been trained what to observe during military incursions into their villages, and then to document it.

When the victim and the perpetrator still live in the same village it might be inappropriate to get all the information directly from the victim, which might expose her further. Organising 'reconciliation camps' or artistic popular culture sessions, during which women story tellers from the community act out what happened to the victim, can be an effective way forward. Even if the information originally comes from the victim, this way the violent act is 'documented' (acted out) by the entire community, taking the pressure and risk of exposure off the victim.

In another example, a HRD related how different units working with rural communities can get information out through a coordination point. These units frequently work in a clandestine manner.

The context itself will inform the means available to document violations. For example, if the population has access to radio, this can be a means of raising awareness about human rights violations.

HOW TO CHANGE THE CONTEXT WHICH FACILITATES VIOLATIONS AGAINST WHRDS? OBJECTIVES AND STRATEGIES

Objective

To sensitise community leaders about women's rights.

How?

Dialogue and meet with leaders - seek out an intermediary if necessary to put you in contact with them – and explain about women's rights in appropriate languages. Moderate religious leaders could be good allies to develop. Include men in the process.

Objective

To safeguard the personal security of HRDs.

How?

Set up an alert system and publicise this amongst networks. Establish a system of reporting and monitoring in the field. Work as a team.

It was noted that no reference in group discussion to the effect of armed groups, and none to what working in a fractured, militarised society might be.

HOW TO CHANGE THE CONTEXT WHICH FACILITATES VIOLATIONS AGAINST WHRDS: OBJECTIVES AND STRATEGIES

Objective

To challenge violence against women

How?

Training police to raise their awareness of VAW and the positive role played by WHRDs. Lobbying for national legislation on domestic violence against women.

Objective

Changing State policies

How?

Pressuring governments to implement international standards to protect HRDs at national level, and promote the UN Declaration on HRDs. Using international and regional human rights mechanisms to raise awareness about State violations. Using the media nationally, regionally and internationally to do the same.

Objective

Changing the legal system

How?

Working to ensure the independence of the judicial system, and women's participation in it.

Objective

Increasing personal security

How?

Setting up 'alert' system amongst colleagues, or in the community. Keeping emergency numbers, including those of friendly Embassies, on you at all times.

Objective

Raising awareness of the dignity of women in communities and changing 'non-human rights friendly' traditional and cultural beliefs

How?

Building alliances with religious leaders. Include men from the beginning

Repressive governments

THE FOLLOWING REFLECTIONS WERE OUTLINED IN GROUP FEEDBACK

Who is trying to stop you?

State actors including the police, military and youth militia. The State machinery including the legislative and executive. Non-state actors

How to document the context?

In getting firsthand information, a WHRD needs to be aware of his or her own security. It is necessary to document in the environment itself. This could involve travelling to communities. This can be challenging, as the environment can change dramatically and quickly.

You need to be very clear with a victim of violations about the process of documentation - what it is for, and what it might result in. You have to be careful not to raise expectations.

Use existing mechanisms, for example, community para legals, churches, traditional leaders, but be aware that they can sometimes be perpetrators of abuse. Government 'puppets' can feed defenders with false information to get them arrested. Be very questioning of information that you receive.

Solidarity is critical for WHRDs in repressive contexts. When people are in prison, frequently the only thing that keeps them alive is that people outside are constantly asking about their whereabouts and lobbying for them.

Those providing information can be fearful of being involved in a process of documenting violations, for fear of repercussions.

HOW TO CHANGE THE CONTEXT WHICH FACILITATES VIOLATIONS AGAINST WHRDS: OBJECTIVES AND STRATEGIES**In the short term:**

- Build capacity in analysing situations from a gender perspective (who violated whom, when etc), and in advocacy experience.
- 'Professionalise' WHRDs (in financial management, for example).
- Develop WHRDs' ability to protect themselves.

- Build a mechanism to deal with stress and allow WHRDs some respite (exchange programmes, fellowship with gender perspectives).

In the mid-term:

- Build a support base, forming alliances and networking with others. Media, religious leaders, defenders outside the country and international NGOs can all be critical allies.
- Use new media to share information. Educating immediate family about the issues, to ensure support.
- Where possible carry out solidarity missions to empower and support other HRDs.
- In reflecting upon the experience of WHRDs in these contexts and others, the Commissioners highlighted the need to differentiate between religion and politics - something they consider a central problem in the continent. They highlighted the lack of non-discrimination protections in law or constitution, and the difficulties of translating human rights into domestic law and then into practice. Customary laws are frequently a barrier to effective implementation of international human rights standards. In general, law enforcement officials need to be made more receptive to human rights. In situations of de-centralised government or no State presence, the State frequently fails to take responsibility for action or inaction of local government when it contravenes human rights standards, and this leaves HRDs vulnerable.
- In discussion as a plenary, participants noted the importance of solidarity between WHRDs to undermine attempts by governments to play WHRDs off one another, that is to say, threatening one and showing favour to others. Commissioner Maiga noted the importance of solidarity as bedrock for action and change. She encouraged the development of networks across countries and regions.
- Several ideas on sharing information and alliance building were exchanged:
 - Including increasing exchanges between HRDs in the global South.
 - Establishing a list server to encourage cross-regional sharing and alliance building was suggested, as was creating a Google group email to enable us to share news and alerts
 - Establishing bi-annual newsletter on the experiences and activities carried out by African WHRDs.
 - Construction of databases with common format which can be used by multiple groups would assist in developing shared analysis of human rights situations.

In discussion about ratification and implementation of human rights standards, a focus was given to NGO experience getting the Maputo Protocol ratified in Gambia. Those involved set themselves several questions: what do we want for women? What are the arguments for and against a Protocol; what are the barriers to establishing a Protocol? The objective to get every African country to ratify still stands. The 'Raising her Voice' Project aimed at popularising the Maputo Protocol, was cited. It includes educating many stakeholders, including security forces. There is a need to bring the violators into the discussion. Bring in religious leaders that know and can interpret religious text with an eye on human rights standards.

To advance human rights causes with public, there is a need to demystify what human rights are. Research can help in showing that human rights are not a foreign concept.

Specific objectives related to engagement at international level were suggested: NGOs should nominate an African candidate to the working group on Laws that Discriminate against Women, and should feed into both the March 2011 report of the UN Special Rapporteur on HRDs and into the Review of the Human Rights Council. It was noted that women have specific issues and need specific responses to protect them. Strategies to address reprisals against those cooperating with human rights mechanisms, for example, would need to be gender-sensitive.

What is the role of men in advancing women's rights?

'Not all men are bad, but those that are bad are very bad!' noted one participant, who with others felt that it was necessary for women to strategise to protect themselves from male dominion. 'Men have not protected women. Women need to protect themselves'.

Others felt that it was necessary to rise above the issue of men not defending women's rights, and work in an inclusive way for the rights of all. This would include raise awareness and analysis of men's own actions. Both Chairperson Renee and Commissioner Maiga were clear that working with men was essential. Concern was expressed about not separating women's rights from other human right struggles, as this would fragment the overall human rights project. It was mentioned that men had asked to join Women of Zimbabwe Arise (WOZA) saying, 'you have led the way'.

Others considered that WHRDs should focus on challenging gender inequalities, that could pertain to both men and women, rather than the struggle between men and women. Latin American participants noted how little focus there had been during the consultation on gender, which is the prevailing political framework for WHRDs in their region.

One participant concluded the session asking, 'Is a WHRD necessarily a feminist?'

Regional partners

Throughout the consultation participants from Asia and Latin America shared their thoughts, experiences, and strategies for contesting threats to the work of WHRDs. Those from Asia spoke of their experience pressing for the development of AICHR.

From Latin America two experiences were presented in more detail:

1. CLADEM (Latin American and Caribbean Committee for the Defence of Women's Rights) and the Campaign for the Inter-American Convention on Sexual and Reproductive Rights

CLADEM is a feminist organisation, using the law as a means to press for the respect of women's rights. CLADEM is involved in a campaign for an Inter-American Convention on Sexual and Reproductive Rights, as a means to bring national laws into line with international and national agreements on reproductive and sexual rights. A convention would be legally binding on States that adopted it. The campaign understands reproductive and sexual rights to be essential to the whole range of human rights and to human wellbeing.

The campaign started with a definition of what the problem was and what sexual and reproductive rights are.

Seminars have been held with the aim of getting the issue integrated into other movements, including indigenous groups, sex workers, those with disabilities, and LGBTI activists. The campaign combined a legal and political approach, encapsulated in the campaign slogan: 'Write your Convention, Write your rights'. This was envisaged as a long term project, and

has been running 10 years so far. Civil society has played a key role in refuting damaging statements against the campaign from the Catholic Church.

2. Corporation Humanas and Strategic Litigation

A presentation was made of key cases taken to the Court in the Inter-American human rights system through which sexual and reproductive rights have been advanced. Key to strategic litigation is identifying the hook to hang cases on, e.g. lack of access to political participation as a case of discrimination. Difficulties in getting funding to pursue litigation cases, was noted.

Questions were asked on whether the African Court was developing a gender policy to ensure they were gender - sensitive when considering cases brought before them; and how best to challenge violence against lesbians through legal means.

Conclusions from Commissioners

Like other HRDs, WHRDs play a role in holding the State accountable and that role complements that of the State in upholding human rights. Commissioner Maiga emphasised the need to find homegrown solutions to problems women face, with the support at regional and international level. She placed the Consultation in the context of the African Decade for Women (2010-2020) urging, 'let women show a willingness to own the decade!'

The Chairperson stated that Commissioners do and will continue to work together, and the rights of women and WHRDs will be at the forefront of our minds. We need to dovetail the campaign on WHRDs with our activities. We need dialogue with people in all quarters, particularly Africa. She ended with the words, 'I am proud of my African sisters and brothers... Thank you for your daily fight!'

Conclusions on the meeting

The nature of the challenges faced by WHRDs - including at the hands of 'fundamentalist' actors – needs to be explained. It is not evident even within the human rights community. The consultation prompted thought about whether WHRDs have done enough to focus attention on the challenges they face, and how they might do this more consistently.

At the end of the meeting the Special Rapporteur on HRD was asking for further clarification on why social fundamentalisms are considered a threat to WHRD. It should be noted however, that the Special Rapporteur on HRD informed the 48th Ordinary Session of the ACHPR a few days later that his upcoming report would be on WHRDs. It is hoped that his successor in the mandate, Commissioner Lucy Asuagbor, will continue with this focus.

During the Consultation there was some difficulty keeping discussion focused on the experience of WHRDs - why? Was this due to a general reticence to focus upon ourselves? Is it due to a lack of collective experience in affirming the experience of women, and particularly of women HRDs? Is the experience of being a woman so connected to an ability to defend rights, that the two cannot be separated out?

The consultation was held in three of the languages spoken most widely across the continent - English, French and Portuguese. Limited funds restricted the degree of translation and interpretation available. This experience underlined the importance of funding translation and interpretation in the development of human rights analysis and joint action.

When one participant asked about the significance of caste in the experience of WHRDs, she reminded the group of the importance of the analysis of compound discrimination. Whilst this meeting was unable to dedicate space to this, it is acknowledged as a key part of understanding violations against WHRDs.

At the press conference held immediately after the consultation, the three ACHPR Commissioners spoke. A Declaration on WHRDs adopted by participants at the consultation was read aloud by one of the participants (see annex 2).

A reception was also held to celebrate the work of WHRDs from across the continent and beyond. It was the opportunity to share experiences and ideas of how activists and others may strengthen their joint efforts to secure the space to defend human rights.

Evaluation

The active participation of the ACHPR Commissioners impressed participants from Asia, who do not have such opportunities to engage with AICHR Commissioners. This has inspired the Asian activists to continue pressing for increased engagement with them.

In the evaluation of the consultation, participants were universally positive about the multinational nature of the meeting, which they found rich and constructive. Cross-regional exchange shows the universality of women's problems, and provides fresh inspiration and encouragement. One participant felt that the representation from other regions could have been greater.

In terms of meeting objectives, in general it was felt that the Consultation had provided a greater understanding of UN and ACHPR mechanisms. The participation of Commissioners was appreciated for providing insights into their mandates. One participant noted that there was too much of a focus on WHRDs, whilst more information on the UN human rights system would have been useful.

Participants noted that additional information would be useful to be able to address the challenges they face. This includes information about the UN Human Rights System, for example the schedule of treaty body and Human Rights Council sessions; good practice of engaging with CEDAW and on the process of the UPR, and technical and practical information on using the mechanisms (in a summary or simpler guidelines). Further information on the African Human Rights System would also have been useful, including how the mechanisms engage with Member States, and how NGOs engagement with the mechanism. More discussion on the case law emerging from the system would help. Overall, more discussion was needed on existing strategies to promote and protect the work of WHRDs to be able to assess which are useful, and which less effective.

In regard to further information to assist in documenting the specific violations and constraints faced by WHRD's, participants asked for further information about why WHRDs are targeted, examples of successful use of intermediaries between WHRDs and perpetrators (in context of social fundamentalisms?); and to receive regular updates on how problems have been addressed in local contexts. There were concrete practical suggestions including more benchmarks for monitoring trends in abuses capacity building; ideas on communication tools and relevant software which could assist with the process of documentation; information on monitoring and reporting systems; more on relevant regional and cross-regional initiatives; and further capacity building and financial support.

All the comments from the training are gratefully received, and will be considered as the host organisations develop their activity plans. Useful sources of information, which may respond to requests for further information outlined above, include:

- CEDAW for Change: www.iwraw-ap.org
- UPR – info.org: <http://www.upr-info.org/>
- Human Rights Council homepage: <http://www2.ohchr.org/english/bodies/hrcouncil/>
- Caselaw Analyser: <http://www.huridocs.org/caselaw/>

Ongoing development of the documentation manual

Participants urged developing the manual with cultural and local contexts in mind and drawing upon local experiences and resources (team, consultation and monitoring). The suggestion was made that the entire manual be pilot tested before it is finalised. Translation of the manual into local languages was urged. It is expected the manual will be finalised by mid-2011, and will be available online.

What are the next steps?

Several WHRDs expressed the need to ensure follow up to the consultation, and asked:

- How can we best develop strategies to meet the objectives we identified, individually or jointly?
- What is the role of existing sub-regional HRD networks? Do they have WHRD focal points? If not,
- would that help? What would their role be?
- How can we best ensure a focus on WHRD is continued and developed regionally and cross-regionally?

Annex 1

Questionnaire: Women Human Rights Defenders (WHRDs)

Africa Regional Meeting

Banjul, The Gambia: 4 – 6 November 2010

The following questions are designed to encourage you to reflect upon your experience working to defend rights in Africa, and share concrete recommendations on how your work can be better promoted and protected at regional and international levels.

Please consider the questions carefully and respond as fully as you can. Please send your completed questionnaire to e.openshaw@ishr.ch before the meeting if possible. Your responses will help guide our discussions during the training, but will remain confidential.

When we talk about women HRDs we include women activists, lesbian, gay, bi-sexual, and transgender (LGBT) defenders, and all other defenders committed to the advancement of women's rights and sexual rights.

Name:

Organisation:

Country:

Human rights focus: (e.g. women's rights, LGBTI rights, or economic, social and cultural rights)

Familiarity with regional and international human rights mechanisms:

UN Special Rapporteur on HRDs

Special Rapporteur on HRDs in Africa

Special Rapporteur on the Rights of Women in Africa

CEDAW

Which of the following violations have you faced when carrying out your work?

- Attempts on your life
- Torture
- Sexual attacks or harassment
- Slander or smear campaigns
- Criminalisation and prosecution
- Other (please specify)

Thinking about the environment in which you work, which of the following factors hinder you in your work? (*you can choose more than one*)

- a. Laws that are incompatible with human rights principles or that obstruct your work
- b. State institutions and policies
- c. The perception in your community or family of the role of women
- d. Religious attitudes within your community
- e. Other

Who is responsible for the violations you face when carrying out your work? (*you can choose more than one*)

- Police
- Military
- Non-state actors like your community or family
- Other (please specify)

Please describe a specific example or incident when you or a colleague faced threats or attacks because of your human rights work. Please feel free to describe the environment, the incident and your experience.

Do you consider yourself to be a woman HRD? If so, in what ways do you consider identifying yourself as a woman HRD is helpful to furthering your work?

Do you think that you are particularly targeted because you are a woman HRD?

What strategies have you used to address some of the challenges you face in your work, e.g. – using legal processes, advocacy or campaigning approaches ?

Engagement with international and regional human rights mechanisms:

UN Special Rapporteur on HRDs:

1. Have you engaged with the UN SR on HRDs before? How?
2. Was this engagement effective? Why or why not?
3. What would you like the UN SR HRDs to do for you and HRDs in your community?

Special Rapporteur on HRDs in Africa:

1. Have you engaged with the SR HRDs in Africa before? How?
2. Did you find this engagement effective? Why or why not?
3. What would you like the SR HRDs in Africa to do for you and HRDs in your community?

Special Rapporteur on the Rights of Women in Africa:

1. Have you engaged with the SR Rights of Women in Africa before? How?
2. Did you find this engagement effective? Why or why not?
3. What would you like the SR Rights of Women in Africa to do for you and HRDs in your community?

Thank you for taking the time to fill out this questionnaire. We look forward to receiving your responses and discussing these issues further during the training.

Annex 2

DECLARATION

Women's Declaration from the Consultative Workshop on Women Human Rights Defenders in Africa held from 4 – 6 November, 2010 in Banjul, The Gambia

We, Women Human Rights Defenders from Asia, Africa and Latin America meeting in Banjul, during the Regional Consultation to further define strategies that can promote our work and press for protective measures,

Considering: the specific threats and attacks faced by Women Human Rights Defenders in their daily work against the backdrop of increasing conflicts, repressive governments and social fundamentalism;

Further considering that women are still victims of the constraints of culture, traditions and the patriarchal structure of the society which confine them to a limited role and stigmatize them in their daily activities;

Noting the negative perception against Women Human Rights Defenders whose increasing numbers have accentuated fears about any change in the status quo often gives rise to accusations that they are promoting western values;

Aware of the need for sensitization and training of Women Defenders in all areas related to protection and the promotion of their work, particularly the sensitization of their immediate environment, through the incorporation of instruments for their protection into domestic laws and their access to the media and other means of communication;

Recognising the dire need for Women Human Rights Defenders and their organisations to formulate measures and strategies to strengthen their work, resources and capacity building especially in documentation of Human Rights issues;

Decide to strengthen Women Human Rights Defenders by building networks for their support at the national, regional and international levels as a mechanism for protection as well as a platform to interact with the Special Rapporteurs on Women, Human Rights Defenders of the African Commission on Human and People's Rights (ACHPR) and the UN Special Rapporteur on Human Rights Defenders.

Commit ourselves to develop inter regional solidarity groups with the support of the African Centre for Democracy and Human Rights Studies (ACDHRS), the International Service for Human Rights (ISHR), the international coalition for WHRDs, CONECTAS DIREITOS HUMANOS and other organisations that are ready to support women human rights defender's work.

With a view to effectively protect women human rights defenders, the participants designed the following strategies:

1. Sensitise the broader population including men, community , traditional and religious leaders on specific challenges women human rights defenders face;
2. Partner with men in our efforts
3. Use cultural approaches to highlight the challenges of women and women human rights defenders,

4. Promote and strengthen quality documentation with gender perspectives that enhance effective work of the regional and international special rapporteurs;
5. Promote collaboration amongst women human rights defenders from across regions to share experiences and best practices to improve protection systems in international and regional mechanisms;
6. Develop support mechanisms for women human rights defenders to effectively manage work related trauma;
7. Call upon the African Union to include the protection of women human rights defenders in the new strategy of human rights in Africa
8. Support women who struggle with justice because of the work they carryout for example the case of the GAMCOTRAP in The Gambia.
9. Request special rapporteurs on women rights and human rights defenders of the African Commission to conduct a joint research on social fundamentalism.
10. To take ownership of the goals and objectives of the African women's decade 2010 - 2020 and to be involved in its effective implementation at the local, national, regional and international levels.
11. Request the African Commission to set up a mechanism between the special rapporteurs on women's rights and human rights defenders to give particular attention to the cases of violations against women human rights defenders

Finally, ask the NGO Forum of the African Commission to adopt a resolution with the content of this declaration.

Done in Banjul 06 November, 2010