

A Methodology for Gender-Sensitive Research

Agnès Callamard



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**AMNESTY
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DEMOCRATIC DEVELOPMENT**

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PREFACE

The international community has increased its efforts towards the integration of women's rights in human rights systems. There have been many developments towards a gender-sensitive interpretation of human rights law, including the 1981 Convention on the Elimination of All Forms of Discrimination against Women; the Declaration on the Elimination of Violence Against Women adopted in December 1993; the appointment of a United Nations Special Rapporteur on Violence against Women, its Causes and Consequences in 1994; and the Platform for Action of the September 1995 Fourth UN World Conference on Women.

In monitoring the adherence of governments and the international community to these agreements and treaties, it is important to have accurate and consistent documentation of women's rights violations. Amnesty International-London, Amnesty International Canada and the International Centre for Human Rights and Democratic Development (Montreal) have joined forces to produce a series of publications that address this need for standardized methods of research and analysis.


Written by Agnès Callamard of Amnesty International-London, this series includes one manual, *A Methodology for Gender-Sensitive Research*, and four case-study booklets addressing women's human rights violations perpetrated by the state, in the community, in the family, and in conflict situations.*

* The second and third booklets will be available in the year 2000. The fourth booklet will be available in the year 2001.

The manual provides a step-by-step description of a gender-sensitive approach to research and suggests ways of addressing the specific challenges faced by women's rights workers. The booklets each focus on the monitoring and documenting of specific categories of women's rights violations. They help the reader prepare for fact-finding missions, provide guidelines for the collection and analysis of evidence, and include a checklist for conducting interviews.

The series will assist local activists and non-governmental organizations, as well as governmental and UN agencies who work to collect and disseminate information on violence against women. The booklets are published in a practical format for field workers.

We are very proud to be contributing to the global efforts to recognize women's rights as human rights. This initiative represents our desire to acknowledge the importance of gender-sensitive research and the standardized methods of documenting violence against women. We hope that this series will be a useful tool for our partners and colleagues in the field who help ensure that women's rights violations do not go unnoticed or unpunished.



Roger Clark, Secretary General
Amnesty International - Canada



Warren Allmand, President
International Centre for Human Rights
and Democratic Development

KEY CONCEPTS

Why Do We Need a Gender-Sensitive Perspective?

Human rights principle: To contribute to global efforts and actions to recognize that women's rights are human rights

Human rights violations against women and girls have often been pushed to the margins in international and national actions on behalf of human rights; a marginalization reflecting the subordinate position that women occupy within the family, community and society. Increasingly, however, the international community and civil society have recognized the historic neglect of violations of women's human rights and have adopted agreements to work towards ensuring the integration of women's human rights into international treaties and conventions on human rights, national policies respecting human rights, and the United Nations system. NGOs involved in human rights work should contribute to this global effort.

Strategic reason: To join forces with the global women's movement

The women's movement is among the most vocal, rich, successful, and global social movements in existence at the end of the 20th century. Few, if any, social movements have managed as well as the women's movement to create a global network and global campaigning activities, to build upon its members' differences and diversity, to bring together civil society, governmental and international actors, to ally research and action, theory and campaigns, to link and work together with other organizations and groups and to raise consciousness and understanding of the universality and indivisibility of human rights. Joining forces with women's organizations throughout

the world can only strengthen and enrich the global and universal message surrounding human rights in the 21st century.

Conceptual and legal reason: To keep abreast of legal and conceptual developments

DEFINITIONS

Gender: refers to a social construction of femininity and masculinity that varies over time and place and is constructed through learned, rather than innate, behaviour.

Gender relations: are the rules, social relationships in societies and cultures, which together determine what is considered “feminine” and “masculine”, and how power is allocated between and used differently by women and men.

Gender awareness/perspective: involves understanding the difference between sex roles and gender roles, and understanding that gender roles, being socially and historically determined and constructed, can be changed. A gender perspective and gender awareness are based on the principle of gender equality.¹

There have been many developments towards a gender-sensitive and gender-specific conception and interpretation of human rights and international human rights law. These developments include the 1981 Convention on the Elimination of All Forms of Discrimination against Women; the June 1993 Vienna Declaration and Programme of Action adopted at the United Nations World Conference on Human Rights; the Declaration on the Elimination of Violence Against Women adopted in December 1993; the appointment of a UN Special Rapporteur on Violence against Women, its Causes and Consequences in 1994; and the Platform for Action of the September 1995 Fourth UN World Conference on Women. Non-governmental organizations, UN agencies and governmental agencies must integrate these developments and changes into their work to remain relevant and coherent.

What Is a Gender-Sensitive Perspective?

A gender-sensitive perspective includes recognition of the following:

The roles of women and men are socially constructed, not solely determined by biology: gender differs from sex.

EXAMPLE: Childbearing is biologically attributed to women; child rearing and daily maintenance of the household are socially assigned to women.

COMMENTS: While it may be argued that physiological and biological functions (sex) are used to justify the division of labour and differences between men and women (gender), it

¹ All definitions are taken from Mandy Macdonald, Ellen Sprenger and Ireen Dubel, *Gender and Organizational Change: Bridging the Gap Between Policy and Practice*, (Amsterdam: Royal Tropical Institute, 1997) p.10.

is crucial to realize that the division of labour itself is not natural or biological. The distinctions drawn between “masculinity” and “femininity” are not natural either: they differ among countries, regions, cultures and religions, as well as from one historical period to the next. One major implication of this argument is that the sexual division of labour, masculinity and femininity are subject to change.

The definitions of gender and the roles ascribed to women and men (and family) are largely determined by economic structures, the nature of the state and its social projects, religion, culture, and the changing interrelationships between all these elements.

EXAMPLE: The state may institutionalize and sustain inequality between men and women through laws and policies regulating marriage, divorce, parenting, custody, property and welfare. However, when increased participation of women in economic and political activity could advance desired economic change, the state often promotes family reforms in order to reduce the control of families over women. By contrast, where political and economic developments indicate that the state would benefit from higher fertility rates and low rates of women’s participation in the formal labour sector, the state tightens social and legal policies towards women.²

Women’s and men’s daily work, access to resources, political participation, experiences of violence, ability to exercise their rights, and indeed, right to life, differ because of their gender.

EXAMPLE: Women’s access to wage employment may be prohibited or limited; women and men may not share equally in household work; only men may be conscripted in the army in certain societies; rape and domestic violence are experienced disproportionately by women.

² Julie Mertus, “State Discriminatory Family Law and Customary Abuses” in *Women’s rights, human’s rights*, Julie Peters and Andrea Wolper, ed., (New York: Routledge: 1995) p.136. Research on the origins of gender, i.e., of inequality between men and women, has given rise to a large number of hypotheses. Marx and Engels regarded women’s subservient roles as tied to the development of private property and class society. Others have argued that male domination predated private property (Molyneux, 1978).

EXAMPLE: According to Amartya Sen, a noted economist, 77 million women are unaccounted for in China and India alone. In India, the 1991 sex ratio was 929 females per 1000 males. Researchers have attributed such sex-ratios to the practice of female foeticide, female infanticide, health-care and nutritional biases.

Women, like men, are not an homogenous or monolithic group: men's and women's experiences of work, political and economic participation, and enjoyment of their rights differ according to race, class, ethnicity, religion, economic status, sexual orientation.

EXAMPLE: Most victims of abuse by the New York City Police Department are racial minorities, particularly African-Americans and people of Latin American or Asian descent.³

Discrimination against and oppression of women is systemic and reflected not only in individual relationships but also in the structure and functioning of public institutions, de jure (according to law) and de facto (without lawful authority) family relations, access to economic resources and legal systems.

*"Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of their full advancement... [it] is one of the crucial mechanisms by which women are forced into a subordinate position compared with men."*⁴

What Does a Gender-Sensitive Perspective on Human Rights Entail?

A gender-sensitive perspective means acknowledging the existence of gender biases in international human rights law.

³ See for instance, Amnesty International, *Police brutality and excessive force in the New York City Police Department*, AMR 51/36/96).

⁴ *Declaration on the Elimination of Violence Against Women*, UN Doc. A/RES/48/104, preamble, para. 6.

- A common conception and interpretation of human rights assumes that states are not responsible for violations occurring in what has been referred to as the private sphere (such as the household). According to this interpretation, states can only be held responsible for violations taking place in the public sphere, that is a sphere largely defined by and composed of men.

EXAMPLE: The interpretation of the right to be free from torture has failed to encompass violence in the family (i.e., domestic violence) or the community (i.e., female genital mutilation). For instance, the UDHR does not affirm the right of women to be free from violence in the household. This has the effect of making power relationships in the family/household invisible and keeping major areas where women are oppressed away from public scrutiny.⁵

YET: *"When women are denied democracy and human rights in private, their human rights in the public sphere also suffer, since what occurs 'in private' shapes their ability to participate fully in the public arena."*⁶

*The UN Declaration on the Elimination of Violence against Women calls for 'the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human persons.' All governments are morally obliged to uphold this Declaration... Women's rights are human rights and human rights are not only universal, they are also indivisible."*⁷

UDHR:
Universal
Declaration
of Human Rights

⁵ CEDAW does attempt to challenge these assumptions, but it has not been implemented; a quarter of the 100 countries who have signed it have made reservations, and many countries do not comply with the reporting mechanisms. V. Spike Peterson and Laura Parisi, "Are Women Human? It's Not an Academic Question," in *Human Rights Fifty Years On: A Radical Reappraisal*, Tony Evans, ed., forthcoming.

⁶ Charlotte Bunch, "Transforming Human Rights from a Feminist Perspective" in *Women's Rights, Human Rights*, Julie Peters and Andrea Wolper, ed., (New York: Routledge, 1995) p.14.

⁷ In AI, *Human Rights are Women's Rights*, 1995, pp.5-6.

CEDAW
The Convention
on the Elimination
of All Forms of
Discrimination
against Women

Although it is one of the most widespread forms of violence against women, rape as a human rights violation or war crime remains to be seriously addressed.

International and Internal Armed Conflicts: The wording and provisions of the Geneva Conventions and the Additional Protocols, which cover international and national armed conflicts are, at the very least, problematic. To begin with, the crime of rape is not explicitly listed as a grave breach of international humanitarian law, with the consequence that rape as a war crime is not explicitly covered by universal jurisdiction.⁸ Furthermore, rape is characterized as an attack on personal dignity or honour, not as an act of torture. For instance, according to Article 27, paragraph 2, of the Fourth Geneva Convention, which applies to areas considered to be occupied territory, *“Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault.”*

Rape as Torture: Although the UN Special Rapporteurs on torture have repeatedly defined rape as torture,⁹ reporting on cases of rape has been characterised by a lack of consistency, with rape being defined alternatively as torture or ill-treatment.¹⁰ The founding statutes of the two ad hoc tribunals created by the UN in 1993 (for the former Yugoslavia) and in 1995 (for Rwanda) list the acts constituting war crimes and draw a distinction between torture [Art. 3(a)] and rape [Art. 3(e)].

8 Ariane Brunet and Stéphanie Rousseau, *Acknowledging Violations, Struggling Against Impunity: Women's Rights, Human Rights*, International Centre for Human Rights and Democratic Development, January 28, 1997.

9 For instance, Pieter Kooijmans stated in his 1992 report to the Commission on Human Rights that “[s]ince it was clear that rape or other forms of sexual assault against women in detention were a particularly ignominious violation of the inherent dignity and right to physical integrity of the human being, they accordingly constituted an act of torture.” In UN Doc. E/CN.4/1992/SR.21 at para.35.

10 Women in the Law project, *Token Gestures. Women's Human Rights and UN Reporting: the UN Special Rapporteur on Torture*, International Human Rights Law Group, June 1993.

YET: *“Rape by government agents is a common method of torture inflicted on women. It is both a physical violation and injury, and an assault on a woman's mental and emotional well-being.”*¹¹

*“The use of rape reflects the inequalities women face in their everyday lives in peacetime. Until governments live up to their obligations to insure equality, and end discrimination against women, rape will continue to be a favourite weapon of the aggressor.”*¹²

*“Rape is not an accident of war, or an incidental adjunct to armed conflict. Its widespread use in times of conflict reflects the special terror it holds for women, the special power it gives the rapist over the victim, the special contempt it displays for its victims.”*¹³

A gender-sensitive perspective means acknowledging efforts and moves towards a gender-sensitive conception of international human rights law.

The following lists some examples of what is meant by a gender-sensitive perspective:¹⁴

- **1945: UN Charter:** *“The People of the United Nations determine to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...”*
- **1945: Article 1 of the UN Charter:** *“The Purposes of the United Nations are to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.”*

11 In AI, *Women in the Front Line*, 1991, p.18.

12 In AI, *Human Rights are Women's Rights*, 1995, p.22.

13 In AI, *Human Rights are Women's Rights*, 1995, p.22.

14 For a list and review of the steps taken since 1945, see Department of Public Information, *The United Nations and the Advancement of Women, 1945-1995*, United Nations: New York, 1995; Hilka Pietila and Jeanne Vickers, *Making Women Matter: The Role of the United Nations*, London: Zed Books, 1994.

- **1949: Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others.** In the middle of the 19th century, this was referred to as “sexual slavery.”
- **1952: Convention on the Political Rights of Women:** provides that women, on an equal basis with men, are entitled to vote in any election, run for election to any office, and hold any public office or exercise any public function under national law.
- **1954: Resolution 1921 of the General Assembly:** recognizes that women are “subject to ancient laws, customs and practices” inconsistent with the Universal Declaration of Human Rights and calls on governments to end such laws and practices.
- **1967: Resolution 2263 of the General Assembly:** adopts the Declaration on the Elimination of Discrimination Against Women.
- **1981: Convention on the Elimination of All Forms of Discrimination against Women.**
- **June 1993: Vienna Declaration and Programme of Action** adopted at the World Conference on Human Rights, urged governments and the UN to make the full and equal enjoyment by women of all human rights a priority and proposed that “the equal status and the human rights of women should be integrated into the mainstream of UN system-wide activity.”
- **December 1993: UN GA Resolution 48/104:** the General Assembly adopted the Declaration on the Elimination of Violence Against Women. It states that violence against women is a violation of human rights and a manifestation of the historically unequal power relations that have led to the domination over and discrimination against women and the prevention of their full advancement.
- **March 1994:** the UN Commission on Human Rights appointed a UN Special Rapporteur on Violence against Women, its Causes and Consequences and stepped up its efforts to encourage all

its thematic mechanisms to give greater attention to human rights violations against women.

- **September 1995:** the Fourth UN World Conference on Women’s Rights proclaimed that “women’s rights are human rights” in the Declaration and included sections on human rights, violence against women, and women and armed conflicts in the Platform for Action.¹⁵

▶ A gender-sensitive perspective means acknowledging efforts and moves towards a gender-sensitive interpretation of international human rights law.

- International human rights law may apply to the actions of private individuals.¹⁶

EXAMPLE: International human rights law began with treaties aimed at private individuals, with governments undertaking a legally binding obligation to prohibit certain acts engaged in by them; in this case, holding slaves and engaging in the slave trade.¹⁷ Thus, the first international human rights movement was the anti-slavery movement.

EXAMPLE: The international crime of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide covers acts committed by private individuals.

EXAMPLE: In 1992, the Human Rights Committee of Independent Experts, which oversees the implementation of the ICCPR, noted that the protection provided by States against

ICCPR:
International
Covenant on Civil
and Political Rights

¹⁵ A guide to the human rights provision in the Beijing Declaration and Platform for Action is contained in *Women’s Rights are Human Rights: Commitments Made by Governments in the Beijing Declaration and Platform for Action* (AI Index IOR 41/05/96, March 1996).

¹⁶ For a full review of the arguments, see Andrew Clapham, *Human Rights in the Private Sphere*, Oxford: Clarendon, Press, 1996; “The Privatisation of Human Rights” in *European Human Rights Law Review*, Launch Issue 1995, pp. 20-29.

¹⁷ Stephanie Farior, Program Director, Legal and International Organizations Program, Amnesty International, personal communication, October 2, 1996.

CID:
Cruel, inhuman
or degrading

torture or CID treatment applies “whether [these acts are] inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.”¹⁸

CEDAW:
Convention on
the Elimination
of All Forms of
Discrimination
against Women

EXAMPLE: General Recommendation 19 of CEDAW affirms that “States may be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”



A gender-sensitive perspective means acknowledging efforts and moves towards gender-sensitive international, regional and national human rights law, instruments and mechanisms.

International and regional human rights systems include a number of mechanisms that are especially relevant for women.¹⁹



A gender-sensitive perspective means defining political activities in a way that is inclusive of all experiences of oppression.

- Political involvement covers a wide range of activities and responsibilities, from party politics to community work and health advocacy. The contrast between women’s over-representation in community work and health advocacy and under-representation in party politics reflects, as well, political and gendered power structures within societies.
- The definition of political activities must include those who have been without an organized voice and absent from the consideration of those who make public and corporate policy.
- The nature of political activism and political opinions is broad, from collective actions (i.e., trade union activities and party politics) to personal initiatives and resistance to what

18 General Comment no. 20(44) Art.7, ICCPR.

19 For an in-depth understanding of how the human rights system can work for women, see “Women, Law and Development International and Human Rights Watch,” Women’s Rights project, *Women’s Human Rights: Step by Step*, Washington, DC: Women, Law and Development International, 1997.

is perceived and experienced as oppression (i.e., rebelling against dress codes, refusing marriage, fleeing from female genital mutilation). Often enough, everyday struggles or resistance lay the groundwork for collective actions with societal implications.

EXAMPLE: Rosa Park’s refusal to give up her seat for a white passenger in a bus is seen as a defining moment in the history of the Civil Rights Movement in the USA.



A gender-sensitive perspective means rejecting static explanations of gender inequality.

- The principle of male/female equality is not a Western concept based on Western experiences and culture. This often-heard argument constitutes a gross misrepresentation of reality in Western countries and is an insult to women’s actions and organizations in the rest of the world.

EXAMPLE: The achievements that have been made on this front in the West are the result of long years of struggle on the part of Western women against the prevalent patriarchal Western culture. Fundamentalist Christian movements in Western countries often have the stated goal of revoking laws that permitted and secured equality of women.

“One does not have to go back many decades to find outspoken, deeply ingrained Western cultural and religious resistance to feminist ideals combined with laws that subjugated women in many of the same ways Middle Eastern laws do today. Indeed, in the more retrograde quarters of the Western world, the notion of full equality for women is still being resisted and denounced for being subversive of the natural order of society and incompatible with religious values.”²⁰

20 Mayer, 1995:183.

Religion and culture are not self-contained, static entities, but evolve and change, accommodating state projects and economic transformations, and reflecting activities of civil society.

EXAMPLE: Research conducted by Muslim women scholars shows that during the early centuries when Islam spread as a political force, interpreters reinforced weak Hadiths (sayings of the prophet Mohammed relayed by tradition), which upheld the lower status of women, in order to reinforce an autocratic state posited upon a strict hierarchical division.²¹

EXAMPLE: The policies implemented by the Taleban in Afghanistan in 1996 in the name of religion (such as prohibiting women and girls from having access to education or working) have been rejected by other states from the same region — a rejection the governments of these states have also grounded in their interpretation of religious texts.

Restrictions may be imposed on the application of religious law or practice where necessary to protect women's human rights, provided that they are prescribed by law.

EXAMPLE: The right to practice one's religion is not unlimited. Both Article 18 of the Universal Declaration and Article 18 of the International Covenant on Civil and Political Rights permit restrictions on manifestations of religion or belief if they are necessary to protect the rights and freedom of others and are prescribed by law.²²

21 Aida Farrag Graff, "Caught in the Horns of Political Expediency: Women in Muslim Countries" in Canadian Woman Studies, *Women's Rights are Human Rights*, Vol. 15, No. 2&3, 1995, p.45.

22 Donna Sullivan, *Integration of Women's Human Rights into the Work of the Special Rapporteurs*, New York: UNIFEM, 1996, p.13.

GENDER-SENSITIVE RESEARCH DESIGN

Gender influences every aspect of social, political, and personal life, power structures and relations: men and women are not equal partners and they are affected differently by social conventions, human rights policies and violations. Yet, women's experiences of and particular vulnerabilities to human rights violations have tended to be invisible and excluded from the codification and interpretation of human rights standards. However, recent efforts and developments have also demonstrated that this exclusion can be addressed and is susceptible to change. Specifically, at the research design stage, tackling the invisibility of women begins by asking the following questions:

Where are the women?

When identifying research and action objectives and work-plan, or when organizing a mission, ask yourself the question: "*Where are the women?*" This question includes an empirical element (i.e., existence and number of cases of women and of cases of violations of women's human rights) and a conceptual one (see the third question). If, at the initial stage, the research plans do not include any women's cases, you must ask yourself the following questions:

Is the absence of women a reflection of the nature of my contact base?

The nature of a researcher's, human rights officer's or organization's contact base (individuals and organizations whom re-

searchers rely on for information relating to human rights violations) often constitutes an important obstacle to research work on violations of women's human rights. Too often, the large majority of the contacts may be either men or NGOs taking an approach to human rights violations that may not include women's rights.

All efforts must be made to enlarge the contact base and to include sources that address violations of women's human rights (see Chapter 4).

Is the absence of women a reflection of my research methods?

It should be kept in mind that when selecting certain research methods you are consciously or unconsciously assimilating related assumptions about the nature of the social world and the principles of social enquiry.

For instance, whenever the main sources of information are mainstream human rights organizations and the political opposition, and the methodology used to gather information consists of interviewing the heads of these organizations, lawyers, and members of parliament, the end-product of the research will reflect only certain aspects of the social and political world — aspects that are most likely to be male-biased (given the lack of women at decision-making levels throughout the world) and class-biased. Access to victims/survivors through these sources may offer a more balanced perspective, but only to the extent that a representative sample of victims/survivors have access to them, which may not be the case for many women or individuals belonging to under-privileged social classes.

The research methods used have implications for the way in which human rights violations are conceptualized and reported. To be comprehensive, research on human rights violations must be pro-active and seek information from the most marginalized sectors of a given society (see Chapter 3).

Have I explored all the avenues provided by the mandate of my organization?

The avenues for addressing violations of women's human rights (understood in their gender specificities) must be fully or systematically explored and exploited. This exploration, often enough, will entail a creative interpretation of one's mandate or mission, one that takes into account the changing political, social and legal environment, and consecutive approaches towards tackling this environment and specific issues.

Be open-minded in the interpretation of mandates or mission statements.

Does this research simply replace Mr. by Ms.?

At issue here is whether the research project entails a gender-sensitive analysis and conceptualization of human rights violations, or whether it simply replaces a Mr. Jones as victim with a Ms. Smith —i.e., is the presentation and description of the case of a female victim the same as that followed for a male victim (with the exception of the name)? Or does it include a focus on the possible gender-specific elements of the case? Does it highlight them? In order not to fall into the trap of simply replacing Mr. by Ms., the research should entail an examination of the significance of gender on several elements pertaining to a broader analysis of human rights violations. "Gender" should be included as part of the analytical process.

A gender-sensitive research methodology must entail an examination of the significance of gender on all or some of the following ²³ (see Chapter 7):

- The circumstances under which the violations occur
- The nature of the harm inflicted on the victim
- The consequences (medical, social, economic, personal) of the violations
- The nature of and accessibility to remedies
- The causes of the violations

²³ This proposal builds on the approach put forward by Donna Sullivan in *Integration of Women's Human Rights into the Work of the Special Rapporteurs*, New York: UNIFEM, 1996, p.4.

TOWARDS A GENDER-SENSITIVE CONTACT BASE

“It is only through the development of creative means of information collection and analysis that a more comprehensive range of violations will be identified. Locating broader sources of information, expertise and materials is an important first step.”²⁴

There are a number of barriers to developing an inclusive research contact base. What follows are some examples of these barriers, with recommendations on how to surmount them.

Invisibility of Women in Human Rights Work

As indicated above and in Chapter 2, the nature of the contact base (individuals and organizations whom researchers rely on for information relating to human rights violations) may be one of the principal obstacles to comprehensive research on women’s human rights violations.

RECOMMENDATION

Contact traditional sources: A model letter should be drafted to “traditional” contacts, informing them of your organization’s work on women’s human rights violations, asking them to identify possible contacts.

²⁴ United Nations Centre for Human Rights, *Integration of Gender Perspective into United Nations Human Rights Activities and Programmes*, Report of an expert group meeting on the development of guidelines, Geneva, July 3-7, 1995, p.10.

SCF:
Save The
Children Fund

MSF:
Médecins sans
frontières

UNICEF:
United Nations
International
Children's Fund

UNDP:
United Nations
Development
Program

UNHCR:
United
Nations High
Commissioner
for Refugees

UNIFEM:
United Nations
Development
Fund for Women

Non-governmental organizations (NGOs): Besides human rights NGOs, other NGOs should be contacted, including minority group NGOs, indigenous group NGOs, development NGOs, women's NGOs working on women-specific issues, local and national religious groups; international NGOs (such as CARE, Oxfam, SCF and MSF).

Individuals: Official and professional women, such as medical doctors, nurses, lawyers, judges, security and prison officers, members of parliament, if any, or members of the government, should be contacted, possibly in the course of a mission.

International organizations (IOs): UNICEF, UNDP, UNHCR, UNIFEM and the World Bank have, in almost all countries, programs and projects specifically directed toward women. In many cases, the design and implementation of these projects and programs have been preceded by research on the status and situation of women in the country, or specific areas, with the objective of identifying the needs that should be targeted by the organization. Some of these reports may be confidential and, therefore, access to them will require building trust with the program officers. However, some of them may not be confidential and are available at the organization's documentation centre.

Program and project officers, consultants for these IOs: These may be very good sources of information; they may put you in touch with individuals or local organizations and assist you in gaining access to areas or populations that are often neglected (slums, poor isolated rural villages, illegal immigrants, etc.).

National government: National ministries dealing with health, water, the justice system, women, children, etc., should be contacted as well. The women and men involved in drafting the National Report on the Situation of Women for the 1995 Beijing Conference and subsequent reports to UN bodies should be contacted. These reports are usually a very good source of information in terms of identifying some of the issues and local actors.

Role and Focus of Women's NGOs

In many countries, women's NGOs will be addressing and monitoring issues that do not appear to be directly related to traditional human rights research, such as community-based work around health or education projects, access to resources, cooperatives, etc. Many women's NGOs are working on "development" questions and may not be knowledgeable or, indeed, aware of international human rights and women's rights principles and standards. Experience has also shown that many human rights organizations (international and national) are not aware of the interrelationships between development and human rights work.

COMMENT: As many human rights researchers have experienced, information sent by these development or women's NGOs has proven to be valuable in terms of developing background information on the violations and the country. Furthermore, until these organizations are contacted, it will not be possible to determine how helpful we can be to one another. Research conducted on women's initiatives and organizations has demonstrated that when women get organized, either spontaneously or through the mediation of an NGO, to demand and/or arrange for the provision of their basic needs (i.e., water, sanitation, or a cash income) an emancipatory process may be initiated. In the process of engaging in welfare-oriented schemes, a space is created for consciousness raising. Women question their social positions, discriminatory practices and examine the roots of their situations.²⁵ While your requests for information may not bear immediate results, the prospects for partnership are real.

RECOMMENDATION

- Contact and meet with women's NGOs.
- Inform women's NGOs of the work your organization does with regard to women.
- Set time aside on your next mission to meet with them.

²⁵ Shahrashoub Razavi and Carol Miller, *From WID to DAG Conceptual shifts in the Women and Development Discourse*, Geneva: United Nations research Institute for Social Development, February, 1995, p.34.

Invisibility of Women in the Society under Review

Societal and political structures are, across countries, prejudicial or discriminatory against women. In the worst-case scenario, civil society may be very weak, independently of the nature of the work (women's issues, human rights, etc.). Mainstream human rights NGOs may not have embraced women's rights concerns and may not monitor violations against women, because of a lack of resources, time, or knowledge about the nature and extent of violations of women's human rights and the principles inherent in them.

COMMENT: Human rights research is both applied and action research. Its goal is to influence and affect how those who make or change policies (policy-makers, legislators, judges, administrators, etc.) think about human rights violations. It is also concerned with assisting contacts in learning new skills, consciousness-raising, gaining access to national and international forums and bringing their cases to worldwide attention. A gender-sensitive approach to research has implications in both its applied and action components.

RECOMMENDATION

- Ensure that human rights work is active research. Where and when possible, encourage your colleagues, organizations and contacts to include women's human rights violations in their work, inform them about human rights standards as they relate to women, and increase their capacity to develop a gender perspective in their work.
- When and wherever possible, efforts should be undertaken to facilitate contact among women-based NGOs, individual women and traditional human rights NGOs.
- Whenever organizing a conference or workshop, male and female participants should be equally represented as much as possible.

GENDER-SENSITIVE MISSIONS

As with the development of an appropriate contact base, the composition and training of research mission delegates and the approach that they take to their work can have a favourable impact on the results of your research work.

Gender and the Delegation

Since gender is a key organizing force in all cultures, men and women will always be treated differently by those they work with. This means that male and female delegates will become aware of different aspects of the violations they are investigating or will establish different contacts with government officials, NGOs, victims, etc.²⁶ For instance, male delegates may not have access to women survivors for customary, cultural or political reasons, or because of language and education barriers. It should be emphasized that gender is only one of many characteristics that shape the course of the mission: age, nationality, race, and ethnicity also influence the nature of the relationships between the researcher and the contacts or the survivors.

²⁶ Carol A. B. Warren, *Gender in Field Research*, Qualitative Research Methods Series 9, London: Sage Publication, 1988.

RECOMMENDATION

- All delegations for missions, conferences and seminars should include both men and women in equal numbers, if possible.
- If a research mission includes a focus on women's human rights violations, the delegation should include delegates with experience in dealing with violations of women's human rights.
- Depending on the importance of other elements, delegations should also include delegates from different age groups, ethnicities, nationalities and races.

Limited Access to Women

Community spokespersons are often men, who may be reluctant to introduce the delegations to women, or may not understand why the delegation wishes to meet women. If the delegation is comprised of men only, the problem may be insurmountable.

RECOMMENDATION

- While preparing the mission and while on mission, ask yourself the question: Where are the women? You must actively seek access to them, and ask to meet with them.
- Follow the lines of authority and convince the men and leaders that you must speak with women.

Unwillingness of Women to Report Human Rights Violations

There may be many sources of pressure (from the family or community, shame, fear, etc.) that prevent female survivors from reporting violations.

RECOMMENDATION

- Be aware and knowledgeable of the social and cultural attitudes respecting women, sexual violence, rape and sex in the country, region or community.
- Find out about local structures (NGOs, hospitals, lawyers, etc.) that may provide assistance to victims of torture, including rape.
- This knowledge and information may help you in breaking down barriers, understanding covert messages and addressing some of the pain.
- Possibly organize focus groups composed of women to develop a better understanding of the situation and to explain your research:
 - Bring together four or six women from the same age group.
 - Begin your investigation with general questions and discussion, such as how they define violence, what makes women different from men.
 - Avoid direct questions about rape or sexual abuse.
 - Be aware of the women who do not dare to speak and find a way to talk to them in private.
- Identify female leaders who may be able to open doors for you.

Difficulties in Building Trust and Communication

In countries where the delegation has never conducted research into women's human rights violations, the first mission of this type may be very disappointing. Contacts may be limited and untrustworthy, and investigation into sexual violence requires a great deal of effort in terms of breaking down barriers. In countries where women's access to education is very limited, research may require even more time and effort to overcome communication problems caused by cultural and language differences and different methods of reporting information.

RECOMMENDATION

- Be aware that you may require more than one brief mission to research women's human rights violations, especially with respect to rape or sexual violence.
- Follow the focus group approach.

Personal Politics

Sex, sexual violence and reproduction are delineated by strong political, physical, symbolic and moral boundaries. Fear of offending sensibilities by trespassing into restricted areas often has a constraining effect on research.²⁷ In addition to projecting one's fears onto the research, the researcher's own biases may also prevent him/her from properly investigating certain issues.

RECOMMENDATION

Be aware of the social and cultural attitudes respecting women, rape and sex in your own culture. They may affect your approach to the mission and interview in the following ways: nervous and uncomfortable feelings and body language, inability to maintain eye contact, sense of guilt and shame.

²⁷ Raymond M. Lee, *Doing Research on Sensitive Topics*, London: Sage Publications, 1993, p.20.

Working with an Interpreter

Reliance on an interpreter presents serious challenges. If not addressed properly, these challenges may greatly affect the quality of the research and evidence.

RECOMMENDATION

- Possible interpreters may be NGO staff, medical or legal professionals, journalists, etc. If interviewing female rape victims, a female interpreter will be preferable in all cases. However, the gender of the interpreter, while possibly a necessary condition to meeting with female rape victims, is not the only one that must be taken into account.
- Unless you are faced with an emergency or a crisis, you should always assess the interpreters' attitudes and skills. Spend the time necessary to recruit someone you feel is the most appropriate for interpreting; i.e., someone who knows how to listen; is not judgmental; is sensitive, caring, etc. Ask questions to assess the interpreter's personal views on gender inequality, rape.
- Test the quality of the interpretation: ask one of your contacts, or whenever possible, a delegate who speaks the local languages, to assess whether the interpreter is accurately translating the testimony and its details.
- Explain in detail the purposes of the interviews; ask for the interpreter's input; ask her/him to read and translate the questions before the interview.
- Do not hesitate to rely on another interpreter if you have misgivings about the quality and/or personal politics of the person you hired.
- Remember that interpreting is a very difficult and demanding task: the quality of the interpretation will decrease as the number of interviews increases.

GENDER-SENSITIVE APPROACH TO THE GATHERING OF INFORMATION

Testimony

Testimony serves two functions. The most evident one is that testimony constitutes crucial evidence in the investigation process. The second function consists of bringing the plight, survival skills, and political activities of the victims, witnesses, or human rights defenders to the forefront of human rights work. By recording testimonies, researchers give a voice to individuals who are often, internationally and nationally, forgotten or silenced, thus possibly creating an avenue for redress.

When interviewing women, especially female relatives of victims of human rights violations, it is crucial to remember that later-date presentation of the testimony and the facts should not give the impression that the activities of women are undervalued. Neither should it lead to a covert (or not so covert) comparison with their relatives. In other words, interviews should assist in, and be based on, presenting women in their own right and not through the lenses of other individuals' activities. Find out who these women are as individuals, what they did upon hearing or witnessing human rights violations, what they suffered, the scope of their actions and their resilience.

RECOMMENDATION

Identify the victim

All victims must be clearly identified by name, and not as follows: *“Mr. Smith, his wife and their two children were abducted...”* (unless requested otherwise for security and confidentiality reasons). In this case, four people were abducted, not one.

All victims must be identified in their own capacity, and not as: *“Ms. Smith and her husband were extra-judicially killed in front of their house. Ms. Smith was an active union member.”* Two persons were the victims of an extra-judicial execution, and information about their identities may be needed later.

Gather personal information

When interviewing women who have been victims of violations because of the activities of other family members, or women whose husbands, children, or other family members have been victims of a human rights violation, whenever appropriate, gather information on who they are as individuals, i.e., their professions and family responsibilities, what they did before, the medical, economic, social, and personal consequences of the violations on their life and family, their activities now, and their resilience.

Interview Guidelines: Interviewing Survivors and Witnesses of Human Rights Violations

Psychological, social and political constraints

In preparing and later assessing the survivor’s testimony, you should keep in mind the following:

- Survivors may appear unreliable: Survivors may hold back information related to the violation in order to avoid painful memories, embarrassment and shame. They may experience extraordinary difficulties in recalling episodes of their experiences, confuse the location or timing of various events, or add details as they come to mind and they feel more trust toward the interviewer. This may unfairly give the impression of unreliability, if not dishonesty.²⁸
- Survivors and witnesses may exaggerate: They may feel they must go to extreme lengths to ensure that their story makes an impression and is believed. This does not mean that the story is untrue but it may mean that there are elements of exaggeration that need to be filtered out.²⁹
- There may be a political agenda: Opponents of the government or an armed group may have a vested interest in maximizing the number and severity of allegations of human rights violations, since this could help demonstrate the moral bankruptcy of the government or armed group.
- Sexual torture is one of the most difficult allegations that can be made because of the social, cultural, moral, and political environment. In almost all societies, a woman, man or child coming forward with allegations of rape, sexual violence or sexual humiliation has a great deal to lose and is likely to face extraordinary pressures and ostracism from the closest members of her/his family and the society at large.

²⁸ James Welsh, *Documenting Torture: a Human Rights Approach*, a paper written for the meeting entitled “Science of Refugee Mental Health: New Concepts and Methods,” September 29 to October 1, 1992, Harvard University, USA, p.5.

²⁹ Ibid

Preparing for the interview(s)

- Keep in mind that violations may have a cultural and historical meaning: Along with the internationally accepted definitions of human rights violations, there is another meaning expressed through the history and culture of the communities surveyed. For instance, torture may be seen as part of someone's fate; ill treatment in custody as something so common that it is not looked upon as a human rights violation. From the interviewer's perspective, this means addressing survivors and witnesses in ways that are meaningful to them, always keeping in mind that a linguistic equivalent is not necessarily a conceptual equivalent. Hence the importance of showing questions or questionnaires beforehand to local activists, for instance.
- Be aware of and knowledgeable about the social and cultural attitudes respecting rape and sex in the survivors' country, region or community, as well as in your own: These attitudes have an impact on the survivors' desire to talk about their experience and their manner of verbalizing it, their sense of guilt, their mental health and recovery. They also have an impact on your approach to the interview, which may be manifested in nervous and uncomfortable feelings and body language, inability to maintain eye contact, sense of guilt and shame.

Are there any areas that you feel are too frightening, embarrassing, painful to discuss? Try to be in touch with your own fears and discuss them with your colleagues.

- Be aware that it may be difficult for you to accept the truth of allegations of extraordinary cruelty or bizarre behaviour and the story or parts of it may be disbelieved because of an "incredibility" factor.³⁰ A wish to disbelieve may be compounded if the demeanour of the survivor is very controlled.

30 Welsh, 1992, p.5.

- Find out about local structures (NGOs, hospitals, lawyers) that may provide assistance to survivors of torture, including rape and other types of violations. At the end of the interview, you may want to refer the survivors to these organizations.
- Write down a checklist of the data and facts necessary to assess the allegations. A purposeful inquiry is necessary to insure that all required data have been collected or all relevant questions asked.

Beware, however: A rigid list of questions and a cross-examination approach to the interview will not establish the relationship of trust and cooperation of the interviewee necessary to obtain the information.

Show the checklist to local contacts who have worked on the issue or have dealt with similar cases to get their input. They will often be able to add questions, delete others that are not culturally appropriate.

- Inform yourself of the kind of image and publicity there has been with respect to your organization in the country or community.

Working with an interpreter

Possible interpreters may be NGO staff, medical or legal professionals, journalists, etc. If interviewing female rape victims, a female interpreter will be more appropriate in almost all cases. However, the gender of the interpreter, while possibly a necessary condition to meeting with female rape victims, is not the only one that must be taken into account.

Unless time is really running short or you are faced with an emergency, you should always assess the attitudes of interpreters. Take the time to recruit someone who you feel will have the capabilities necessary to do a good job. A good interpreter has the following abilities:

- accuracy in translating the testimony and awareness of the importance of details and accurate translation;
- good listening skills;
- non-judgmental attitude.

Ask questions to assess the interpreters' personal views on sexual torture.

Explain in detail the purposes of the interviews; ask for the interpreter's input; ask her/him to read and translate the questionnaire before the interview.

Pens and tape recorder

- Ensure that your pen is working, and that you have enough paper to write down the testimony. If using a tape recorder, ensure it is working and that you have a sufficient number of blank tapes.
- Always ask the interviewee if she/he has any objections to the use of a tape recorder before you start.

Mitigating the negative effects of the interview

- **Be aware of the therapeutic value** of the interview session and of your own therapeutic value. Remember that you are not the perpetrator. Do not feel like the abuser. In the medium and long term, it is not a bad thing for survivors to tell their stories. In fact, it is therapeutic for them to be able to talk about their experiences in order to understand what has happened and to cope with it. "Victims need to talk about their trauma again and again and the sooner they do it the better the chances of a healthy recovery."³¹ "The victim of an assault experiences a tremendous loss of self-esteem. The more people a victim tells about it, the more of a sense of acceptance is restored."³²

31 New York City/Balkan Rape Crisis Response Team, *Training Manual*, New York City: St. Luke's Roosevelt Hospital Center: September 1993, p. 15.

32 Ibid, p. 6

- **Short-term effects and debriefing:** In the short term, however, the interview re-awakens post-traumatic stress. After disclosure, the survivor or witness frequently experiences traumatic reactions, including flashbacks and nightmares.

Ideally, all interview sessions should be followed by a debriefing, the same or next day, where you ask the survivor or witness, alone or with other interviewees, what it felt like to be interviewed.

When debriefing is not possible, acknowledge the limits of your work to the interviewee (and to yourself).

- In the course of the interview **demonstrate your caring** and attentiveness by expressing your concerns: *"I hear how sad, upset... you're feeling."*

Support the strength of the interviewee; use any opportunity to reinforce it: *"It took real courage on your part to come here."* *"It seems to me that you showed a lot of strength in that situation."*

Be aware of your own fears. Are you picking up the survivor's fear of the topic and avoiding it too? This may reinforce her/his belief that it is too frightening, embarrassing, or painful to discuss.

At the beginning of the interview³³

- **Hold one-on-one interviews in privacy:** Interview sessions should never resemble the violation situation. Interviews should be conducted in as private a setting as possible:

33 Some of the suggestions provided in this and the following section are based on the New York City/Balkan Crisis Response Team *Training Manual*, September 1993; Interview with Ruth M. Forero, Rape Intervention Program, St Luke's Roosevelt Hospital, New York, September 1996; notes from a seminar with Dr. Gill Hinshelwood from the Medical Foundation for the Care of Victims of Torture, IS, September 1996; David Weissbrodt, *International Fact Finding in Regard to Torture*; Kathryn English and Adam Stapleton, *The Human Rights Handbook: A Practical Guide to Monitoring Human Rights*, Human Rights Centre, University of Essex, 1995.

- Whenever possible, conduct the interview in a separate room or location away from the presence of other people.
- If you only have access to one room, office, or location, create a more private space with chairs, tables, etc.
- Interviews should be conducted on a one-on-one basis unless the survivor requires the presence of another person (friend, family member, NGO representative, etc.), cultural attitudes mandate the presence of other persons, you judge that it would be appropriate to suggest that others be present.
- Avoid collective interviews in which several women and/or men are interviewed at the same time.
- **Establish trust:** Survivors and witnesses must be convinced that you want to hear their story; that you are prepared to spend some time listening and recording the details; that you are prepared to respond to their concern about confidentiality or other worries.
 - Begin the interview with greetings appropriate to the culture of the interviewee.
 - Identify yourself. Describe what you do in your organization.
 - Explain what your organization is, what it can do and what its limitations are.
- **Respect confidentiality:** Explain clearly the purpose of the interview and inform the interviewee how the information will be used. She/he must understand the goals and the consequences, if any, of providing information, and the basis upon which she/he is divulging information.
 - Ask permission if you intend to use the name of the interviewee in the report.

- Do not give victims and witnesses false assurances: Acknowledge the limits of your work to the survivor (and yourself). Victims and witnesses may ask you for assurance that everything is going to work out. You would be lying if you were to tell them something you have no way of knowing is true.³⁴

While conducting the interview

- **Listen:** begin by asking an open-ended question and allow the survivors to tell you their account in their own way and time.
 - “Tell me what happened on...” or “Can you describe to me your experiences at the hands of...”
 - Do not interrupt interviewees right away, even if some points appear unclear. Allow for the sequence of events to be told as they understood it.
 - You should ask interviewees to speak more slowly if you are experiencing problems taking notes.
- **Clarification:** Go back over the survivors’ accounts, asking questions requiring shorter answers. This will help you clarify certain details, such as time, dates, places, identities, numbers, positions, ages: “You told me that soldiers came to your home. Do you remember how many there were?” or “Do you remember the ranks of the soldiers? Their names? Nicknames?” or “You mentioned that three persons were killed. Do you know their names?” or “How do you know that your attackers belonged to the special branch of the police force?” or “Did you see any weapons? Which types?”

If the context requires going back a number of years to explain relationships and background, do so.

³⁴ “Remember the difference between empathy and sympathy: it is mere sympathy to think that they are so traumatised that you could not possibly say no to them. Empathy means respect, and if you respect them you will tell them the truth” In New York City/Balkan Rape Crisis Response team, *Training Manual*, p.105.

- **Door-openers:** The survivor or witness may have difficulty in communicating. You can ask how she/he feels, then encourage her/him to talk further: *“Would you like to say more about it?” “Do you want to talk about it?”*

Open-ended responses give encouragement and assistance in communicating. They may be either complete or incomplete statements or questions that cannot be answered by a simple yes or no. For example: *“You seem to have a number of concerns about...” “Could you explain a little more about...”*

- **Ask questions about health, possible physical pain:** *“How is your health?” “Do you have a headache?”* You may then follow up with questions such as *“Why do you think you have this pain?”* If she/he cannot make the connection, you may refer to other cases of persons suffering from similar pain.

You may ask a more general question such as *“What is it you disliked the most during your imprisonment?”*

- **Probing (without being intimidating):** Where the individual’s story appears unclear, contradictory or inconsistent with what is already known about the pattern, it is important to find out why. Doing this in a spirit of elucidation rather than criticism will help consolidate the relationship between the interviewer and the survivor.³⁵ In particular, ask about unclear points in different ways and at different points in the interview, establish a clear chronology of the events using reference points or events, both personal and external. For instance, establish the time, day, or week of the incident through references to the domestic schedule (i.e., going to work, court, or the market, fetching wood or water), recurrent or unusual activities or events (going to church, elections, village ceremony, military victory, etc.): *“Were you arrested long after going to the mosque?”* Or *“Did the attack on the village happen before Christmas?”* Or *“Were you kidnapped before the election of the President?”*

35 Welsh, 1992, p. 8.

If something still does not add up, say so: *“This does not add up and I am a bit confused.”* Ask more direct questions.

- **Be aware of the survivors’ or witnesses’ political position:** this may influence their testimony—what is said and what is not said. For instance, a witness or survivor may not be willing to volunteer information on violations committed by the community or political parties he/she is affiliated with. However, if the question is asked, the interviewee may provide the information. For instance, you may ask, *“Before the imprisonment took place, do you know whether there had been problems between X and Y?”* or *“Do you know what prompted the rebels’ attack on the villagers?”*
- **Be sensitive to the survivors’ or witnesses’ social, and cultural attitudes:** In some cases, these attitudes need to be exposed before they can speak about the violations: what happened and how it was done. Explain that, according to international principles, certain actions constitute violations of human rights. Do not invalidate the survivor’s feelings by making comments such as: *“it is wrong to see rape as...”* or *“you are wrong to think this was not torture.”*
- **How to listen and respond:** Stay calm and communicate that calmness to the victim. Listen with an open mind, empathetically and without judgment or preconceived assumptions. Remember that you are talking to a person, not a stereotype. Be aware of pitch, tone, pacing, vocal inflections—both yours and hers or his. Be wary of sentences containing the value-laden words **should** and **ought**. Try to maintain eye contact with the interviewee throughout the interview. Nod your head while listening.
- **What to do if the interviewee talks non-stop:** If survivors are very upset, they will sometimes talk almost non-stop for quite a long time. Try not to interrupt too soon. If they continue to speak longer than seems reasonable, you could ask them to take some deep breaths and sit quietly without talking for a while. It may be appropriate to express your

concern: Tell the person how terribly upset she/he must be, how sad she/he must be feeling, etc.

▶ Concluding the interview

- Ask the interviewee whether she/he would like to add anything and whether she/he has any questions.
- Ask the interviewee if you can use the information and how you can use it. Make sure she/he knows what you are going to do with it.
- Do not make promises you cannot deliver.
- If appropriate, refer the interviewee to local organizations that provide assistance to survivors of torture, including rape.
- Spend a couple of minutes finding out how close to the surface the emotions and stress are: *“Did the interview upset you?”* *“It seems I have upset you again...”* If necessary, spell it out: *“It feels as if you are going through it again. But you’re not.”*
- Ask whether the interviewee has friends and family to go to. If there are people she/he feels close to, suggest she/he see them. (Be aware, however, that family’s or friends’ knowledge of sexual torture may sometimes cause serious damage to the survivor.)
- Demonstrate support. Emphasize that there are people who care about what he/she has gone through and his/her security. Emphasize the value of his/her actions.
- Provide emotional support: Take a little longer if the person is crying, give her/him a hug, if appropriate.
- Do not feel guilty or stressed: most survivors do have a support network, including friends, family members, fellow prisoners, etc. They will talk about the interview with them. (You may want to encourage them to do so, anyway.)
- Take care of your own mental health as well: Interviewing victims of human rights violations is a very stressful exercise. The above points may apply to you as well. Talk about the interviews with your colleagues on mission or at your organization. For example, Amnesty International offers the services of an Occupational Health Nurse.

GENDER-SENSITIVE LANGUAGE

What's in a word? A story, a discovery, a transformation—but also an identity, a struggle, a victory or a defeat. In a word, one may find the politician's slogan, the artist's creativity, the activist's alert. There are some words that incite violence, others, peace. There are words that express the power to exclude, and others, the will to include.³⁶

▶ Avoid use of expressions that are sexist, discriminatory, or that deny women's existence.

RECOMMENDATION

Adopt gender-sensitive language in all written documents, media work, meetings with representatives of government, the UN, NGOs, etc.

EXAMPLE: In French, the expression "*droits de l'homme*" must be replaced with one of the following expressions: "*droits de la personne*", "*droits humains*", "*droits de l'être humain*".

▶ The use of gender-insensitive language contradicts human rights work.

The use of sexist terminology negates the political, social, and cultural transformations of 20th century societies that have seen

³⁶ Amnesty International, "What's in a Word?" London: Amnesty International, February 1998 (AI Index ORG 33/02/98) p. 1.

women gaining access to the right to vote, the right to work, etc. Such use is also, arguably, the product of deeply entrenched discriminatory practices and beliefs³⁷ that go against and contradict the mandate, statutes, and work of human rights organizations.

The use of non-sexist language promotes the principle of equality between men and women.

According to the Council of Europe, the sexism that marks language usage—which gives the masculine precedence over the feminine—is an obstacle to the process of establishing equality between women and men, and of recognizing, in law and in practice, women’s human rights. It also stands in contradiction to the commitments made by governments at the national and international level towards establishing equality between men and women.

Human rights workers should strive to promote best practices.

Human rights activists, as well as governments and international organizations, have moved throughout the world (including the French-speaking states) towards replacing terms that may be understood as sexist and thus constituting an obstacle to the implementation of the principle of equality between men and women.

- For instance, in 1990, the Committee of Ministers of the Council of Europe adopted Recommendation No. R (90), which calls on the governments of member states to promote a use of language that reflects the principle of equality between women and men, to encourage the use, wherever possible, of non-sexist language, to bring the terminology used in legal texts, public administration and education in line with the principle of gender equality, and to encourage the use of non-sexist language in the media.

37 Jan Bauer, *“Only Silence will Protect You. Women, Freedom of Expression and the Language of Human Rights,”* Montréal: International Centre for Human Rights and Democratic Development, 1996.

The exclusive use of “man” to refer to both men and women establishes a hierarchy.

It is highly questionable to argue that the term “homme” (man in French) encompasses both men and women as equal beings. Some of the reasons include the following:³⁸

- The use of the French word “homme(s)” to refer to both men and women is illogical from a grammatical point of view. In principle, the French grammatical gender concurs with the sex of animate beings.
- The exclusive use of the word “homme(s)” to refer to men and women establishes a hierarchy or division between the two sexes. This hierarchy dates back to the seventeenth century when, in 1647, the famous grammarian Vaugelas declared that “the masculine form takes precedence over the feminine because it is more noble.”
- In many cases, the use of the masculine gender to refer to occupations held by women is inversely proportional to the prestige of the occupation concerned. For instance, one speaks of “la secrétaire” [woman secretary] but of “Madame le Secrétaire d’Etat” [with the masculine form being used to refer to a woman Secretary of State].
- Those who drafted the French version of the Déclaration Universelle des Droits de l’Homme wanted to make it clear that no sexual discrimination was intended, by, in most cases, using words other than “homme(s)” [man/men] in describing the various rights contained in the Declaration.

38 Amnesty International, *“What’s in a Word?”* London: Amnesty International, February 1998 (AI Index ORG 33/02/98).

PROBLEM Use of words that obscure either of the sexes	
Forms often used	Recommendations
man, men mankind	USE GENERIC TERMS people, humanity, human beings the community, society, person, individual
	USE BOTH GENDERS man and woman, men and women all men and women
	ALTERNATE GENDERS
PROBLEM Use of a masculine form for positions held by women	
Forms often used	Recommendations
craftsman chairman cameraman businessman ombudsman, etc.	USE GENERIC TITLES craftsperson, artisan, craftspeople chairperson camera operator business people, representative ombudsperson, etc.

GENDER-SENSITIVE DATA ANALYSIS

In order to draft reports or documents on human rights violations that include violations committed against women, you must engage in a gender-sensitive analysis of the data you have gathered. If you do not pay special attention to the gender-specific nature of violations or their impact, you risk making women invisible in your work.

Some of the problems that may be encountered include the following:

- Difficulty in focusing on the plight of women as women, that is, in presenting research findings with a gender “outlook” and from a woman-specific perspective, rather than writing reports that simply replace Mr. by Ms.;
- Difficulty arising from covering spheres of activities and abuses that are generally dominated by men while focusing on women;
- Difficulty in building a gendered definition of the political sphere, political activities, rights and abuses.

RECOMMENDATION

- You should use a gender-sensitive data analysis that focuses on female victims, and highlights the gender-specific elements of the circumstances surrounding the violations, the women’s activities, the harm inflicted on the victims, the consequences of the violations, etc.
- This approach to the analysis of data should inform all stages of the research process, including monitoring, fact-finding, reporting.

A gender-sensitive approach to data analysis should entail an examination of the significance of gender on all or some of the following.³⁹

Circumstances Surrounding the Abuse

The circumstance or context of the abuse may have a gender component that should be laid out in the introduction, and/or the contextual sections of the report. This type of information will be essential to determine state responsibility and lack of state protection, to identify the patterns of violations and impunity, to determine the impact of violations on victims and obstacles to seeking remedies, and to devise recommendations that are as specific and helpful as possible.

These circumstances may be classified under 1) political and legal framework, 2) social/cultural mores, 3) economic circumstances and 4) armed conflicts.

Reports written by national committees in preparation for the UN World Conference on Women, as well as NGO and governmental reports on the implementation of the Women's Convention will provide much of the information on the circumstances.

1. Political and Legal Framework

In many countries, women are subjected to discriminatory treatment enforced through law. The Preamble of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) states that discrimination against women violates the principle of equality of rights and respect for human dignity, is an obstacle to women's participation on equal terms with men in the political, social, economic and cultural life of their countries, and hampers the growth of societal and familial prosperity. Often enough, the methods of enforcement of these laws and punishments for violating them constitute unlawful detention or cruel, inhuman, or degrading treatment.

³⁹ Revised version of the approach advocated by Donna Sullivan in *Integration of Women's Human Rights into the Work of the Special Rapporteurs*, New York: UNIFEM, 1996, p.4.

Discriminatory provisions may be found in the following:

- constitutional, legislative and administrative provisions regarding or affecting human rights;
- constitutional, legislative and administrative provisions regarding or affecting women and women's rights, such as laws on rape and sexual abuse, domestic violence, provisions on equality and discrimination;
- citizenship laws;
- marriage and family law, including provisions concerning divorce;
- legal provisions, if any, regarding family planning (i.e., forced sterilization and abortion);
- criminal law (i.e., Pakistan's Hudood laws);
- restrictions on women's movements and activities (i.e., edicts of the Taleban in Afghanistan);
- legal provisions, if any, regarding female genital mutilation.

Questions to Guide the Analysis:

Political Expression

- What voting rights do women possess? To what extent do they exercise these rights?
- What is the proportion of women's representation in political parties, government, parliament, etc?
- What measures, if any, have been adopted by political parties to increase women's membership and candidacy?
- Are there any factors that prevent women's political participation?
- What is the level of women's participation in civil society? Can they express any grievances within their own political and social movements, and trade unions?

Equality Before the Law

- Is there a constitutional equality provision?
- Are women treated equally in court?
- Do men have certain legal rights or responsibilities that women do not have (i.e., serving in combat, driving)?
- Is the testimony of a woman equal in weight to the testimony of a man? Can a woman testify in court?
- Are women entitled to serve as jurors?
- Can they serve in the judiciary, in civil, customary, and religious courts? Do they in practice?
- How are the victims of sexual assault treated in law? How are they treated by law enforcement officers? Are there places for women to go when faced with violence in the family?
- Are prosecutions against perpetrators of sexual assault frequent? What is the rate of success?
- Are there any tribal or customary laws? What is the position of women within these systems?
- What are the relationships between the state-originated legal system and the tribal/customary law?
- Are there women lawyers?
- What level of legal aid or assistance is available?
- Has the government ratified the Women's Convention, Vienna Declaration and Programme of Action, Beijing Declaration and Platform for Action? Has it formulated reservations to any of their provisions?

Family Law

- Is family law governed by civil or common law, religious laws, customary laws or a combination of these?
- What is the legal age of marriage for men and women? How is it enforced?

- What is the age of consent for women and men? For lesbians and gay men?
- Is polygamy, dowry, bride price, child marriage permitted by law?
- Can a woman freely choose her marriage partner?
- Is divorce available to men and women on the same grounds?
- Upon dissolution of marriage, what are the rights of the wife with respect to property? To child custody?
- How many cases of violence related to marriage payments (dowry or bride price) are reported?
- Are there laws relating to domestic violence and to rape in marriage?
- What are the rights of widows? Can a widow inherit property?
- Must a woman take her husband's name?

Citizenship

- What is women's access to citizenship? Is it determined by birth, by the father, by marriage?
- Can a woman pass on her citizenship to her children?
- Does marriage to a non-citizen affect a woman's nationality?
- Can a woman obtain a passport or travel without the permission of her husband or male guardian?



2. Social or Cultural Mores

In many places, women are subjected to discriminatory treatment, enforced through the imposition of cultural, social or religious norms, and may be severely punished for transgressing them. For instance, a woman who has been sexually abused may face additional violence and punishment because of social mores regarding sexuality and virginity; divorced women may be subjected to harassment or violence. Such norms may be reflected in the following:

- **Preferential treatment for boys** (i.e., female infanticide, denial of basic nutrition and health needs).
- **Women's behaviour** (i.e., restrictions respecting dress codes, movement outside the home).
- **Women's sexuality and virginity** (i.e., honour killings, societal views about rape).

"In a 1990 survey on women's status, nearly 70 per cent of all respondents agreed with the statement that 'a woman's virginity is more important than her life.' The stigma and social consequences of rape are such that speaking out may be totally against the interests of any women.... Domestic violence in general was long assumed to be suffered mainly by rural women in impoverished villages where ideas that the 'man is lord and master of the family, and woman is his private possession' persist. However, sample surveys of spiralling urban divorce cases indicate that wife beating is cited in at least a quarter of all cases. Women are often blamed and brutalised for infertility or the birth of a girl".⁴⁰

- **Marriage and divorce** (i.e., forced or child marriage, mut'a or temporary pleasure marriage, honour killings).
- **Violence against women in the family** (i.e., dowry death, battering by husband, father or son).
- **Female genital mutilation.**

Questions to Guide the Analysis:

- Which cultural and traditional practices hamper women's rights?
- Do religion or custom impose practices or beliefs that interfere with improving women's rights?

⁴⁰ Amnesty International, *Women in China*, London: Amnesty International, AI Index ASA/17/29/95, pp.2-3.

- Is polygamous marriage customary?
- Is dowry or bride price a customary requirement for marriage?
- Are forced marriages and/or child marriages practiced?
- How are women's virginity or sexuality considered?
- Is consensual sex between adults prohibited outside marriage?
- Is homosexuality prohibited?
- How is violent behaviour within the family considered? Is it commonly accepted for husbands to batter their wives? Fathers their daughters? Are sanctions exercised against men if they do so?
- Are there practices that reveal a preference for sons over daughters?
- Is female genital mutilation practiced?
- Is there discrimination against homosexuals in practice?
- What kinds of work or activities are women forbidden to do by custom?
- Which stereotypes (i.e., domestic work, dress codes, body images) inform the representation of women in newspapers, television?

Education and Health

- What kind of access do girls and women have to education?
- What level of education do they reach?
- Is the curriculum the same for girls and boys, for women and men?
- What is the mortality rate for women?
- What are the main causes of female deaths?
- What is the fertility rate?
- Do women have access to family planning?

- Is abortion illegal? Are there any statistics available on deaths related to illegal abortions?
- Is female genital mutilation practiced? By whom? Have any measures been introduced to combat such practices?

3. Economic Circumstances

The economic conditions and policies of a given region or country have a clear gender dimension that puts the violations into context.

- **Poverty:** The globalization process, the structural adjustment programs of the World Bank or the IMF, the proliferation of free-trade zones, and the privatization of social services, may have negative impacts on people because of their gender, class, race or ethnicity. For example, development schemes in rural areas, the absence or reduction of basic services such as education, water and health have a direct impact on women because of their household activities, and their roles in small-scale farming.
- **Labour force:** Women constitute the majority of the workforce employed in the most poorly paid and least protected factory jobs. Many governments (such as those of the Philippines, Sri Lanka and Malaysia) have effectively legislated against the right of workers to organize unions within free-trade zones. Women may, therefore, be at the forefront of trade union work.⁴¹
- **Professional occupations:** Women may be found disproportionately within certain occupations (i.e., teaching (in schools), nursing).

⁴¹ See for instance Amnesty International, *Women in Indonesia and East Timor*, London: Amnesty International, ASA 21/51/95, Background Section.

- **Labour migration:** The patterns of migration often have a gender component that may be due to factors such as the following:

- **Economic reasons:** The economic situation and wage policies in the countries of origin; increased reliance on women as wage earners because of deteriorating economic situations and high unemployment among men.
- **Ethnicity or class:** Migrant women may be overly represented in certain social classes or ethnic groups. Reasons for this include factors such as the nature of economic policies, deteriorating access to land or income in some regions.
- **Recruitment process:** The legal nature and functioning of recruitment agencies, their working methods, governmental policies towards recruitment agencies, and other recruitment-related issues.
- **Labour policy of receiving countries:** For instance, the nature and extent of protection afforded to foreign workers may be determined, in part, by the gender of the workers, the nature of their work or their national origins.
- **Legal context:** Particularly relevant here is the level of protection afforded or denied to foreigners in general, and female foreigners in particular, and regulations regarding visas, travel, etc.
- **The status of women in the receiving countries:** The status of women in the country will have direct impact on the status of female migrant workers, including in their possible relationships with the legal or law-enforcement system. Also relevant is the cultural or political construction of the nature of the work they are doing, i.e., domestic work being viewed as one of the least respected occupations.

- **Rural communities:** Women may be found in much larger numbers than men in rural villages or indigenous communities because of migration patterns or because men have joined the army or a guerrilla group.
- **Household activities:** Some of women's household activities, in certain circumstances, may place them at risk: gathering food or farming in areas that have land mines, remaining in villages that are the target of military attacks, etc.

"...They almost killed two of my daughters in an armed confrontation. The girls had gone to wash clothes in the stream and the guerrillas arrived to bathe. Then an army patrol arrived and the girls ran back to the house with the patrol firing at them."⁴²

Questions to Guide the Analysis:

- What percentage of households are headed by a female? What percentage of poor households are headed by a female?
- Are there any distinctions in recruitment and employment practices between women and men? Why?
- Are men and women entitled by law to equal pay?
- What is the percentage of women in the formal labour force (ratio and evolution)?
- What is the percentage of women in the lowest paid sectors of employment?
- What is the role of women in agriculture? In the informal sector of the economy?
- Are household work and unpaid agricultural work included in national statistics (i.e. calculation of GDP/GNP)?

⁴² Amnesty International, *Guatemala*, London: Amnesty International, AMR/97, 1997

- Do women and men have equal access to land?
- Is employment and employment security affected by pregnancy?
- What is the extent of unionization of the labour force?
- What is the level of unionization in areas of the labour market dominated by women?
- What is the proportion of women migrants in the country? Leaving the country? What is the role of the state vis-à-vis female migrations?

4. Armed Conflicts

Current estimates are that about 75% of those killed in war are civilians, a proportion that has risen steadily from around 10-15% at the beginning of the century.⁴³ As women are less likely than men to be combatants, they make up a huge proportion of civilians killed in war (along with children and older men).

"The majority of women are targeted for abuse simply because they are easily located in their homes by army and paramilitary patrols."⁴⁴

- **Military presence, military occupation and operations:** These usually result in increased incidences of rape, sexual abuse and prostitution.

"Indonesian academic George Aditjondro... has conducted extensive research on the social and environmental impact of Indonesia's invasion of East Timor. He concluded that circumstances surrounding the military occupation have resulted in sexual harassment being rife. Aditjondro's research led him to conclude that the more prevalent form of sexual

⁴³ D. Smith, *War, Peace and Third World Development*, Occasional Paper 16, Human Development Report Office, UNDP, New York, 1994.

⁴⁴ Amnesty International, *Women in Colombia*, London: Amnesty International, 1995, AMR/23/41/95, p.12.

relations between soldiers and East Timorese women was as a result of military pressure.”⁴⁵

- **Refugee movements:** In many situations, refugee women and children constitute the majority of the refugee population. Current estimates that have been empirically verified are that between 70 to 80% of the world refugee and internally displaced populations are composed of women and children.

“Although women are generally not directly involved in the hostilities, they are the most affected by the trauma of displacement. The 1994 report of the Colombian Episcopal Conference showed that 58 per cent of the displaced are women. The majority are heads of families and have fled rural zones affected by the armed conflict.”⁴⁶

Questions to Guide the Analysis:

- Are women and children found in large numbers among the civilian population? Is there evidence that the majority of those killed during attacks on civilians are women and children?
- How many refugees or internally displaced persons are there inside the country? Outside? How many are women?
- Have there been any reports of widespread rape and/or sexual abuse by government forces and/or armed groups?
- Is the country or region currently under military occupation? Under peace-keeping operations? Have there been reports of abuse against women committed by soldiers? Have there been reports of increased prostitution?

45 Amnesty International, *Women in Indonesia and East Timor*, London: Amnesty International, 1995, ASA 21/51/95, p.14.

46 Amnesty International, *Colombia's internally displaced: dispossessed and exiled in their own land*, London: Amnesty International, 1997, AMR 23/48/97, p.19.

Consequences of the Abuse


The consequences of human rights violations or abuse are often gender-specific.



The medical consequences of violations or abuse may differ between men and women.

While both men and women are raped, only women may become pregnant. They may also be unable to terminate pregnancy.

Human rights violations, such as torture, have medical consequences for the victim. The victim's family may also be affected, albeit in other ways.



Access to medical treatment may be more difficult for women than men.

Social and economic consequences may also be different. Women who have been raped may face stigmatism, ostracism, divorce, etc. If a woman is declared unfit for marriage as a result of rape, she will also face severe economic and social obstacles. A number of studies of refugee women raped during their flight and/or afterwards in the country of asylum (in refugee camps, for example) have demonstrated the relationship between rape, loss of self-esteem, and prostitution.

“The stigma and social consequences of rape are such that speaking out may be totally against the interests of any women. In 1992 rape accounted for three per cent of reported crimes, and, according to Chinese experts, was a factor in a large proportion of murder and assault cases. Women who attempt to report incidents to families have been driven out of their homes. Others fear they will lose their jobs through characterisation as the guilty party.”⁴⁷

47 Amnesty International, *Women in China*, London: Amnesty International, 17/29/95, p.2.

In the case of women who have lost their husbands because of imprisonment or extra-judicial killing, the consequences of the violations persist, in the form of social and economic hardship, as well as medical problems.

“For many women whose husbands are in exile, life in Tunisia has become increasingly difficult: under strict surveillance, often arrested and interrogated, unable to work, threatened with imprisonment if they receive any financial help from anyone or if they are found to be in contact with their husbands, unable to obtain a passport and prevented from leaving the country. Their arrests and long period of imprisonment and the repeated police raids have left their children traumatised.”⁴⁸

Questions to Guide the Analysis:

- Are men and women likely to face similar consequences for the violations or abuse that have been committed against them?
 - medical consequences;
 - social or economic consequences;
 - status within the family or community.
 - What are the consequences of human rights violations or abuse against an individual for the rest of his/her family?
-

Access to Remedies

Access to remedies may also vary, depending on the gender of the victims (as well as other factors, especially financial resources).



Medical Care

Women may face a number of gender-specific barriers to medical care following human rights violations, some of which may result from economic circumstances or stigma attached to victims or sexual assaults. These obstacles may include absence of

⁴⁸ Amnesty International, *Tunisia: A widening circle of repression*, London: Amnesty International, MDE 30/25/97, p.14.

institutions or professionals working with rape victims, insensitivity of medical personnel, laws forbidding abortion, lack of access to medical facilities for check-ups for sexually transmitted diseases, including HIV.



Legal Recourse

Women face a number of gender-specific barriers to legal remedies. They include lack of legal literacy and capacity to initiate legal action, community pressures to refrain from reporting or seeking redress for certain abuses, less access than men to economic resources necessary to pursue redress and government failure to prosecute in cases involving sexual violence. When adequate remedies do exist in law, de facto discrimination may deter or obstruct women's recourse to these remedies.

In many cases, the conditions that allow rape and sexual abuse of women detainees to occur and persist are not only similar to those related to torture or ill-treatment (i.e., lack of access to independent legal advice, impunity), they also include social, legal, and cultural views respecting women's status and violence against them.

Questions to Guide the Analysis:

Access to Medical Care

- Are there any institutions or professionals that work with rape victims?
- Are there any facilities for medical check-ups for STDs? HIV?
- What kind of reproductive health (including abortion) facilities and provisions exist?

Access to Legal Recourse

- Does the constitution include a guarantee of equality between men and women?
- Are there any laws or administrative or other practices that discriminate against women?

- Do all women and men have equal access, in law and in practice, to legal remedies?
- Are women likely to report rape, whether or not it occurred in custody (social and cultural considerations)?
- Are there any legal professionals specialized in dealing with the consequences of rape?
- Are rural and/or poor women likely to find access to such professionals?
- Are police officials specially trained to deal with rape victims?
- Are police officers likely to discourage women who have been raped from filing a complaint?

Causes of Violations to Women's Human Rights

Women's human rights, and in particular, their right to freedom of expression, may be violated because of the activities they engage in. Such activities before or at the time violations occur should be analyzed, keeping in mind their possible gender components or implications.

Women's human rights may also be violated because they are women. In other words, a direct causal relationship may be established between the gender of the victim and the violation.

Activities on Behalf of Relatives

Freedom of expression may be defined as the right of every person not to be imprisoned for expressing his/her conscientiously held beliefs by joining or forming an association, demonstrating, speaking, publishing or in any other way rendering these views public.⁴⁹

⁴⁹ Amnesty International will adopt as prisoners of conscience women who are imprisoned for non-violently expressing their beliefs through working for trade unions, political parties, human rights, community, or women's rights organizations, by seeking the whereabouts of the disappeared, by advocating change in the social order, etc.

Wives, mothers and daughters are often involved in political activities following the death, disappearance, torture of a relative or relatives. Their activities may result in them being imprisoned or subjected to intimidation, harassment, threats, and economic and social hardship.

*"The vast majority of relatives of the disappeared are women whose husbands, fathers, sons or daughters have 'disappeared' after detention by the security forces or their paramilitary auxiliaries. Many women abandon the routine of their lives and become activists, denouncing the human rights violations and demanding justice."*⁵⁰

*"One campaign to release political prisoners in Kenya involved a rolling women's hunger-strike...[that] became known as the 'the mothers' hunger strike'... On 3 March, 5 days after the protest began, the General Services Unit... attacked the camp. In response to the violence some of the mothers stripped naked in a traditional expression of protest. In African tradition a mother or elderly woman exposing her body is taboo, and for a woman to be forced to expose her body, a curse."*⁵¹

Mainstream Political Activities

Women may be targeted because of their involvement in the political life of their countries such as the following:

- **Female members of parliament, government ministers, mayors, etc.:** Women may be the victims of human rights violations or abuses because of their political stands or decisions made while in office. Whenever applicable, it is important to bring forward the gender-specific elements of their political involvement, the context within which they have to operate as women, or the specific obstacles they may face as women.

⁵⁰ Amnesty International, *Women in Colombia*, London: Amnesty International, 1995, AMR/23/41/95, p.5.

⁵¹ Amnesty International, *Women in Kenya*, London: Amnesty International, 1995, AFR/32/06/95, p.5.

- **Environmental and community activists:** Women are often involved in activities in defence of the environment, against development schemes that destroy their sources of livelihood and in community-based activities related to access to health services, education, sanitation, etc. Their involvement might be linked, in part, to their economic role within the household and the community, and especially to their reliance on small-scale farming.

“On 11 October 1994 the provincial authorities in Laikipia threatened to have the Green Belt Movement workers arrested when they tried to organize a meeting in the area. The Green Belt Movement’s aim is to encourage tree planting and improve the environment and it has criticized the government for clearing and selling forest areas. The organization also promotes women’s education on issues of good governance.”⁵²

“Amnesty International is concerned about the suppression by state authorities in Maharashtra of peaceful protests against the construction of a power plant by the Dabhol Power Company... Women, who have been at the forefront of local agitation, appear to have been a particular target. A People’s Union for Civil Liberties (PUCL) fact-finding team that investigated the arrest of 26 women and 13 men on 3 June 1997, concluded ‘the police targeted mainly women, some of whom were minors and the arrests were made violently, in violation of the legal, constitutional and humanitarian principles.’”⁵³

- **Trade union activities:** Women may often be active trade union members in countries and regions where the female labour force is the least protected and most exploited.

52 Amnesty International, *Women in Kenya*, op cit., p.9.

53 Amnesty International, *India: The “Enron project” in Maharashtra: protests suppressed in the name of development*, London: Amnesty International, 1997, ASA 20/31/97.

Questions to Guide the Analysis:

- What is the nature and extent of women’s involvement in political activities (Here, ‘political’ should be understood in its broader sense)?
 - Are associations or organizations on behalf of victims of human rights violations composed mostly of women?
 - If women’s involvement in political affairs, NGOs, demonstrations is unusual, what triggered their involvement this time?
 - At the time of the violations, what was the nature of the woman’s occupation or women’s involvement in political activities? Is this occupation or are these activities largely undertaken by women? Why?
-

Activities on Behalf of Women’s Rights

- **Women’s NGOs:** These should have a clear gender agenda. Information on the history, activities and membership of these organizations, along with reactions they receive from the government or the civil society should be gathered.

“The Revolutionary Association of Women of Afghanistan (RAWA)... campaigns for women’s rights and provides education and health facilities for women and children... Even in Pakistan, RAWA’s leaders continue to receive death threats from Mujahideed groups, and several have had to go into hiding in fear of their lives.”⁵⁴

- **Activities against dress codes:** Women’s (and men’s) human rights may be violated because they transgress laws related to dress codes. The existence of such laws may be seen as vio-

54 Amnesty International, *Women in Afghanistan*, London: Amnesty International, 1995, ASA 11/03/95, pp.9-10.

lating the right of every person to freedom of religion (including freedom from religious intolerance), and freedom of expression (for or against the rules relating to attire).

To the extent that dress codes are often meant for both men and women (i.e., Afghan men required to have a beard, Afghan women required to be fully covered), they may not necessarily violate the right to freedom from discrimination on the grounds of sex. However, they may well violate the right to freedom of expression.

Whenever dress codes apply to women only, or whenever only women face imprisonment for transgressing them, the rights to freedom from gender discrimination are violated.

- **Activities against discrimination on grounds of sexual orientation:** Lesbians are often targeted by governments seeking to control their identities and activism. They are often doubly in danger because they are women and because of their sexual orientation. They may be imprisoned solely on the basis of their homosexuality, including the practice of homosexual acts in private between consenting adults.

Family Relationships as the Cause of Human Rights Violations

Women may also be targeted because of their marital status or family relationships. Agents of the state or of armed groups may target women as a means of pressuring family members and stigmatizing them. Often, women are targeted because they are women (i.e., male relatives may not be targeted or not in the same manner) but they are also targeted because there is suspicion that they are somehow involved in the activities of their relatives. There is a deliberate attempt on the part of armed opposition groups or the government to use women in order to intimidate, get confessions, and humiliate both the activists and the women themselves.

In many cases women may be imprisoned on the basis of the beliefs attributed to them (due to their familial or social relationships) by the governments by virtue of their relationships with perceived government opponents.

“More and more women have been targeted purely because of their marital or other family relationships.... This pattern... illustrates to what extent family and marriage have become arenas for the Tunisian government to further its policy in disregard for basic human rights. The degree of control imposed on freedom of conscience and association subordinates women’s rights to state policy and does not regard women as individuals in their own right.”⁵⁵

Questions to Guide the Analysis:

- If women are targeted because of their marital status or family ties, are male relatives targeted as well?
- Are male and female relatives similarly targeted?
- Are women pressured to divorce? To break ties with their relatives?
- Does the targeting of women because of their marital status or family ties constitute a pattern?

Gender as the Cause of Human Rights Violations

A direct causal relationship may be established between the gender of the victim and the existence of an abuse of human rights. Such abuse may be carried out by agents of the state, as well as by members of the family or the community (i.e., dowry deaths, honour killings, domestic violence, female genital mutilation, female infanticide.)

⁵⁵ Amnesty International, *Tunisia: A widening circle of oppression*, London: Amnesty International, 1997, MDE 30/25/97.

Gender may be said to be the cause of abuse when it occurs because the victim is a woman (or a man): that is when, under similar circumstances, a person of the other sex will not face treatment constituting an abuse of human rights, or will face a lesser punishment (although still amounting to human rights abuse), or no punishment.

Questions to Guide the Analysis:

When investigating a case of human rights abuse against a woman, you should seek to discover whether such abuse may be linked to or result from the following:

- the existence of gender discrimination in law and/or in the application and interpretation of the law (see case study on imprisonment as a result of gender discrimination);
- gender discrimination within the community and the government's failure to prevent or redress this discrimination and resulting abuse;
- gender discrimination within the family and the government's failure to prevent or redress this discrimination and resulting abuse.

*"The widespread abuses of women in their domestic spheres, in their tribal settings or in the context of bonded labour has continued unabated. Yet the government has persistently failed to protect the victims and prevent the recurrence of rape, injuries and killings... Domestic violence is considered to be a domestic matter, not subject to government 'interference.' Some 95 per cent of women are believed to be subjected to such violence, including being threatened, beaten, burned, strangled or disfigured with acid. Every year an increasing number of women are burned to death in alleged stove burn incidents by their own husbands or their husbands' relatives."*⁵⁶

⁵⁶ Amnesty International, *Pakistan: Women's human rights remain a dead letter*, London: Amnesty International, 1997, ASA 33/07/97, p.10.

Nature of the Harm

The nature of the human rights violations or abuse may be gender-specific. The following are some examples:

- Rape and other forms of sexual abuse (i.e., sexual fondling) constitute a type of human rights violation or abuse that is most likely to be committed against women (although incidents of men being raped are widely unreported).
- Accusations regarding a woman's virginity or sexual behaviour
- Trafficking of people and its results (such as sexual slavery)
- Imprisonment of women with men, or children with adults
- Attacks on civilians, civilian objects or means of livelihood during armed conflicts: Women are particularly vulnerable to the absence of food, destruction of social services because of the following:
 - their function within the household (i.e., finding food and water);
 - the absence of male relatives, translating more often than not into increased vulnerability;
 - the additional burdens and workload occasioned by this absence.

Women (along with children and the elderly) are particularly at risk when random attacks (bombings, killings, etc.) on villages and/or cities occur because they constitute the majority of the remaining civilians.

Women may be particularly vulnerable to all forms of attacks on civilian targets (i.e., attacks by armed soldiers on a village) because of their function within the household and the community. (Even if men are not engaged in combat, they might be away from the villages at the time of the attack.)

Questions to Guide the Analysis:

- Are men targeted for similar types of violations or abuses?
 - Why are women especially vulnerable to this type of abuse?
 - Why do perpetrators resort to this type of abuse against women?
 - Can a pattern of gender-specific violations or abuses be established? (Does rape constitute a common weapon of repression? Are women or girl children specifically targeted for sexual slavery and/or trafficking?)
 - What are the relationships between the nature of the violations or abuses and broader social considerations related to the status of women in the country?
 - Are governmental or armed forces more likely to rape female victims because of the social stigma attached to rape? Because women are unlikely to report such violations? Because perpetrators are unlikely to be prosecuted?
-

SUMMARY OF GUIDELINES

A gender-sensitive approach to research should follow and uphold a number of steps and principles, including, but not limited to, those identified throughout this manual, and summarized below.

1. Gender-sensitive research design plan

- Every effort must be made to ensure that a focus on violations of women's human rights is included in the identification of research objectives

2. Gender-sensitive contact base

- Every effort must be made to develop contacts with women activists and defenders
- As far as possible, male and female activists should be equally represented in workshops and seminars
- Organization of and participation in workshops and conferences
- Composition and objectives of missions
- Conduct of interviews
- Reporting on human rights violations
- The language of human rights
- Analysis of human rights violations and abuses
 - Campaigning and actions

NOTES



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Amnesty International is a worldwide voluntary activist movement working towards the observance of all rights as enshrined in the Universal Declaration of Human Rights and other international standards. The focus of its campaigning work is to free all prisoners of conscience, ensure fair trials for all political prisoners, abolish the death penalty, torture and other ill-treatment of prisoners, and end political killings and "disappearances". Amnesty International is a democratic, self-governing movement. It is funded largely by its worldwide membership and by donations from the public. No funds are sought or accepted from governments for Amnesty International's work in documenting and campaigning against human rights violations. Amnesty International has more than a million members and supporters in over 140 countries and territories.

The International Centre for Human Rights and Democratic Development is an independent organization with an international mandate, created by the Parliament of Canada in 1988. It works with civil society and governments in Canada and abroad to promote human rights and democratic development through dialogue, advocacy, capacity building and public education. It focuses on four themes: democratic development and justice, women's rights, indigenous peoples' rights, and globalization and human rights in a dozen core countries in the Americas, Africa and Asia.