

EAST AND  
HORN OF  
AFRICA  
HUMAN RIGHTS  
DEFENDERS  
PROJECT  
(EHAHRDP)

# Human Rights Defenders: A Key to Fighting Sexual Violence in African Conflicts?

Briefing Paper



## Human Rights Defenders: A Key to Fighting Sexual Violence in African Conflicts?

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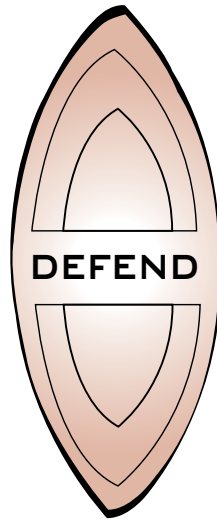
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## About EHAHRDP

Established in 2005, the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) seeks to strengthen the work of human rights defenders (HRDs) throughout the region by reducing their vulnerability to the risk of persecution by enhancing their capacity to effectively defend human rights.

EHAHRDP acts as the secretariat of the East and Horn of Africa Human Rights Defenders Network which represents more than 75 members across eleven countries, including in South Sudan, and envisions a region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights are respected and upheld.

EHAHRDP also serves as the secretariat of the Pan-African Human Rights Defenders Network (PAHRD-Net). PAHRD-Net was formed as a result of deliberations at the All African Human Rights Defenders Conference ('Johannesburg +10') hosted in April 2009 in Kampala, Uganda. The five functioning sub-regional networks forming the PARHD-Net are: the North Africa Human Rights Defenders Network (hosted by the Cairo Institute for Human Rights Studies, Cairo, Egypt), the West African Human Rights Defenders Network (Lome, Togo), the Southern Africa Human Rights Defenders Network (hosted by the International Commission of Jurists, the Africa regional office, Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and East and Horn of Africa Human Rights Defenders Network (hosted by East and Horn of Africa Human Rights Defenders Project, Kampala, Uganda).

PAHRD-Net is aimed at coordinating activities in the areas of protection, capacity building and advocacy across the African continent.

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## Executive Summary

Human Rights Defenders (HRDs) have a critical role to play in the quest to end sexual violence in situations of conflict. HRDs perform much of the monitoring, fact-finding and documenting of cases of sexual violence, and either directly provide - or refer victims to - medical, legal and psychosocial services. They also act as an important link between international, regional, and local activists, bringing cases of sexual violence to the awareness of the international community, and enhancing understanding of international norms at the local level. Vitaly, HRDs are agents for cultural, attitudinal and behavioral change within their own communities. By broaching taboos surrounding sexual violence, and challenging traditional notions about gender, sex and power, HRDs promote inclusivity, participation and empowerment in conflict-affected and post-conflict societies.

Doing so, however, exposes HRDs working on issues of conflict-related sexual violence to enormous risk. These risks can be direct, including murder, threats of violence, arrest and judicial harassment by State and non-state actors. Risks can also be indirect — a product of simply living and working in conflict situations. Additionally, the preponderance of HRDs working on issues of sexual violence are women, who face particular challenges.

This briefing paper describes several dimensions of challenges faced by HRDs working on issues of sexual violence in conflict, as illustrated by EHAHRDP's extensive work throughout the East and Horn of Africa sub-region over the last nine years. The paper also proposes a number of simple yet concrete steps which should be considered by the international community, in order to foster greater support for the work of HRDs at the national level.

The international community must take an active role in addressing the challenges faced by HRDs, and in proactively promoting a safe and enabling working environment, if the aim of this Summit — to translate political commitment on sexual violence in conflict into meaningful, practical action — is to be achieved.

# A Key to Ending Sexual Violence?

## Introduction

Human Rights Defenders (HRDs) – people who, individually or collectively with others, act non-violently to promote or protect human rights<sup>1</sup> – have a critical role to play in the quest to end sexual violence in conflict, a fact acknowledged in the *G8 Declaration on Preventing Sexual Violence in Conflict (G8 Declaration)*.<sup>2</sup> HRDs can come from any walk of life, profession or cultural background. Those who work to end sexual violence in conflict include not only human rights and women’s rights professionals, but also lawyers, journalists, health workers, students, and individuals volunteering their time, energy, and conviction.

HRDs perform a range of roles which are essential to addressing and preventing sexual violence, including: fact-finding; linking local, regional and international level organisations; connecting victims and survivors to services; and supporting systemic and attitudinal change. Understanding the functions performed by HRDs in these most challenging of circumstances, and providing appropriate support, will be key to achieving the goals of the Summit.

## Fact-Finding

The launch at this Summit of the *International*

1 See, Office of the High Commissioner for Human Rights, Special Rapporteur on the Situation of Human Rights Defenders, ‘Who is a Defender?’, accessed 28 May 2014, at <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>.

2 G8 Declaration on Preventing Sexual Violence in Conflict, ¶ 7 (2013) [hereinafter, G8 Declaration].

*Protocol on the Documentation and Investigation of Sexual Violence in Conflict* highlights the importance of accurate, appropriate and compassionate fact-finding and monitoring of incidents of sexual violence. The bulk of this work is conducted by HRDs, who are often the first (and sometimes only) investigators on scene. Moreover, HRDs often have physical access, an understanding of culture, and a pre-existing relationship of trust with communities, which enable the collection of sensitive information. Without the investigative and documentation work of local HRDs, many more cases of sexual violence in conflict would remain unreported.

## Linking Local, Regional and International Levels

Because of their investigative work and familiarity with local context, HRDs play a pivotal role in bringing cases of sexual violence to the attention of regional and international actors, and in bringing evolving international legal norms on sexual violence to the local level. They act as ‘translators’, people ‘who understand both the worlds of transnational human rights and local cultural practice and who can look both ways.’<sup>3</sup> This process is imperative if the norms on sexual violence and conflict established at the international level are to be translated into meaningful action and change at the local level.

3 Sally Engle Merry, *Transnational Human Rights and Local Activism: Mapping the Middle*, 108(1) *AMERICAN ANTHROPOLOGIST* 38 (2006).

## Connecting Victims and Survivors to Services

Because of their extensive networks with victims, communities, and service providers, HRDs often act as an important hub for referrals. As noted in the G8 Declaration, ‘the provision of appropriate and accessible services, including health, psychosocial, legal and economic support is essential to support the rehabilitation and reintegration of victims of sexual violence in armed conflict.’<sup>4</sup> HRDs are in a position to strengthen the provision of these services,<sup>5</sup> both directly and as nodes of referral networks.

## Supporting Systemic and Attitudinal Change

Ending sexual violence in conflict requires not only a robust response from external actors, but also a commitment to change from within. HRDs are ideally positioned to support cultural, attitudinal and behavioral changes necessary to end sexual violence within their own countries, by: raising awareness of women’s, children’s, and human rights; by empowering victims and supporting their access to justice; and by re-directing the stigma associated with sexual violence from the victim to perpetrators and those who enable impunity.

HRDs are also in a position to press in a sustained manner for the systemic and institutional reforms necessary to address the issue of sexual

violence in conflict. They act as ‘champions’ not only for human rights and justice, but also for inclusive civic participation. The role they play in this regard is essential to the development of democracy and civic life in conflict and post-conflict States.

## Challenges Facing Human Rights Defenders

HRDs operating around the world, in a variety of contexts, face many common challenges. Threats to their safety and security include violent reprisals such as killings and beatings, as well as arrest, detention and judicial harassment, and criminalization. Many also perform their work in the face of obstruction, with limited resources. In addition to the challenges common across HRDs, those working to respond to and prevent sexual violence in conflict often confront a specific set of difficulties related to: working in a conflict area; women HRDs, who are often at the forefront of work to end sexual violence; and challenges related to working on the topic of sexual violence.

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4 G8 Declaration.

5 Ibid, ¶ 7.



## Challenges of Working in Conflict Areas

HRDs working in conflict areas face both direct and indirect threats to their personal and organizational security and their ability to work. HRDs may be targeted directly by State and non-state actors determined to silence them, particularly where an HRD's work implicates these actors. A woman HRD working in Eastern Democratic Republic of Congo on access to justice for survivors of sexual violence reported as one of her 'top three challenges' harassment from perpetrators, especially when the perpetrators are armed groups. The other two challenges she identified were obtaining and preserving evidence which is easily lost or destroyed by perpetrators, and the overall effects of persistent conflict in the region.

Conflict also increases the indirect risks to the safety of HRDs — that is, risks which are a product of an HRD merely *being* and *working* in a conflict zone. Many of these risks are confronted by civilians every day, for example the danger of being caught in crossfire, being unable to access health care, food and water, or being forcibly displaced by violence, or unable to access protection or basic services.

HRDs working in such contexts face additional indirect risks because of their work. In order to investigate rumors or allegations of human rights violations, HRDs will often leave zones of relative safety to enter active zones of conflict, exposing them to enhanced danger. For example, a convoy of HRDs was attacked by Seleka forces in Central African Republic, with one member killed and

another gravely injured. The convoy had been traveling into rebel-held territory to document the human rights impact of the civil conflict on the civilian population.

Conflict also poses specific challenges to how HRDs conduct their work. Many of the structures which promote a healthy and strong civil society are absent in conflict and post-conflict situations. These include high quality political institutions, socio-economic development, and a stable population. Without a strong civil society, it is difficult to develop national coalitions of HRDs, which are essential for effective advocacy and the development and exchange of better practices. HRDs must also contend with weak political institutions and governance, which often lead to entrenched impunity. A challenge many face is answering the question, where can I turn for justice and change when the institutions and process of the State don't function effectively, or don't exist at all?

In addition to these systemic issues, conflict raises a host of much more prosaic, practical challenges to the work of HRDs. Gaining access to victims, witnesses, and the locations of possible human rights violations can be incredibly difficult, as can attempting to conduct fact-finding and monitoring in environments where documentary and forensic evidence is scarce. In countries such as Somalia and the Democratic Republic of Congo, simply moving around the country, or even just one's own city, can be impossible. Most HRDs perform this work with few resources, with many operating on limited funds, organizational assets, and training.

## Challenges Facing Women Human Rights Defenders

Women HRDs are at the forefront of efforts to respond to and prevent sexual violence. While many men are also engaged in the struggle, the preponderance of women HRDs working on this issue makes their particular experiences especially important. According to the Women Human Rights Defenders International Coalition, women HRDs 'are attacked for both who they are and what they do.'<sup>6</sup> Women HRDs are especially vulnerable to retribution where their actions and activism are seen as challenging traditional notions of gender and public participation, and therefore disrupting the social order. This is doubly the case where a woman HRD is empowering other women to seek justice and raise their voices.

Women HRDs experience diverse forms of

<sup>6</sup> Women Human Rights Defenders International Coalition, 'The WHRD Movement', accessed 28 May 2014, at <http://defendingwomen-defendingrights.org/about/the-whrd-movement/>.

retribution and intimidation. Some are familiar to many HRDs, such as arrest and judicial harassment, detentions and beatings. Others have a distinctly gendered dimension, including various forms of sexual harassment, from verbal threats through to rape. The Special Rapporteur on the Situation of Human Rights Defenders has found rape as a form of retribution is especially prevalent among women HRDs working on the issue of sexual violence in conflict areas.<sup>7</sup> Women HRDs are also more likely to have their reputation attacked on the basis of their 'morality' or 'decency', and are more likely to be targeted through threats against their children. This has profound implications for the provision of protection assistance, and requires that services reflect and accommodate the needs and priorities of women HRDs. Case Study 1 tells the story of a woman HRDs' courageous defence of human rights in Sudan, and how the protection services provided by EHAHRDP were tailored to meet her needs, and those of her family.

<sup>7</sup> Report of the Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, Human Rights Council, UN Doc. A/HRC/16/44, ¶ 88 (20 Dec. 2010) [hereinafter, Third Report of the Special Rapporteur on the Situation of Human Rights Defenders].

### Case Study 1

#### *Like Mother, Like Daughters: A Family Struggle for Human Rights*

'X' has been campaigning for peace, democracy and gender equality in her home country Sudan for over two decades. As a result of her activities, she was questioned by government security agents, lost her job with an international NGO after the government ordered her dismissal, and was ultimately forced into hiding. Far from being discouraged by the difficulties faced by their mother, X's young daughters have taken up the defence of human rights, becoming involved as student activists. Fearful for her own safety and that of her family, X and her daughters were forced to flee Sudan earlier this year. EHAHRDP has provided material, logistical and moral support to X and her daughters, so that for the moment at least, this courageous family of Sudanese women can be together in safety.

Entrenched gender-based discrimination means that women are also more likely to be marginalized from professional civil society in their own country, and from the human rights movement at large. The result is that women HRDs are less likely to self-identify as such, and are less likely to reach out to, or otherwise come in contact with, networks which support HRDs and their work. Efforts to mainstream the experiences and priorities of women HRDs are bearing fruit at the international level, with the passing of the Declaration on Women Human Rights Defenders (see Case Study 2, below). It is vital that these advances are reflected in efforts to mainstream women HRDs in national protection and promotion plans.

## Challenges Facing HRDs Working to End Sexual Violence

In certain cultural and social contexts, issues relating to sexual violence remain taboo. By working on such issues, HRDs challenge accepted socio-cultural norms, traditions and stereotypes about gender, power and sex, often prompting a hostile response from society, the State, and non-state actors.<sup>8</sup>

This is true of men and women HRDs, irrespective of whether they are operating in an environment experiencing conflict. Women HRDs working on these issues routinely face stigmatization for challenging deeply entrenched cultural norms, and are vulnerable to retribution including sexual harassment and rape.

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<sup>8</sup> Third Report of the Special Rapporteur on the Situation of Human Rights Defenders ¶ 88.

### Case Study 2

Advocating for Visibility: UN Resolution on Women HRDs

On November 27<sup>th</sup>, 2013, the Third Committee of the UN General Assembly adopted a groundbreaking resolution, titled 'Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: Protecting Women Human Rights Defenders'.

The Resolution is the first on women human rights defenders, and is significant because it recognizes their particular context, challenges, and needs, and outlines specific steps States must take to provide a safe and enabling environment for women HRDs to do their work.

The resolution was the product of a vigorous advocacy campaign by a number of active States and a coalition of NGOs including EHAHRDP, and is an important addition to the normative frameworks on HRDs and women's rights.

## Case Study 3

Somali Stories of Strength, Survival and Sacrifice

Abdiaziz Abdinur, a Somali freelance journalist was arrested on 10 January 2013 after interviewing Luul Ali Osman, who alleged she had been gang-raped by government security officials while in an IDP camp in Mogadishu.

Mr. Abdinur was later charged with insulting a government body, spreading false news and adducing false evidence. After a trial which failed to meet basic standards of fairness, Mr. Abdinur was sentenced to a year in prison. An appeal was made to the Supreme Court which found in his favor and he was released on 17 March 2013. During his time in detention and after his release, Mr. Abdinur was repeatedly threatened by government officials and security agents. He has since left Somalia.

Ms. Osman was charged and convicted of false allegations and offending government institutions. Her sentence was subsequently quashed on appeal for insufficient evidence.

In a devastating illustration of the indirect threats facing HRDs in conflict zones, in April 2013 Prof. Mohamed Mohamud Afrah and Dr. Abdiaziz Gorod, the lawyers who represented Mr. Abdinur and secured his release, were killed in an attack by Al-Shabab on Mogadishu's courthouse.

Men working on these issues have been exposed in particular to arrest on spurious charges, judicial harassment, and detention. Abdiaziz Abdinur, a Somali journalist, experienced this type of retribution for helping Luul Ali Osman tell her story of experiencing rape. Case study 3, below, tells their story, and that of the individuals and organisations which 'defend the defenders'.

HRDs doing work relating to sexual violence against men and boys also face heightened risks of attack. Sexual violence against men and boys, including in conflict, tends to be deeply stigmatized, and therefore seriously underreported.<sup>9</sup> As recognized in both the Declaration of Commitment to End Sexual Violence in Conflict,<sup>10</sup> and the G8 Declaration, it is vital that the experiences and needs of men and boys are also addressed.<sup>11</sup> In many cultural contexts, same-sex sexual violence is especially stigmatized, meaning HRDs working to highlight this serious but under-acknowledged issue often confront hostile reactions from communities, the State, and non-state actors.

<sup>9</sup> Report of the Secretary-General, Conflict-Related Sexual Violence, Security Council, UN Doc. S/2014/181, ¶ 7 (13 Mar. 2014).

<sup>10</sup> (2013).

<sup>11</sup> G8 Declaration, ¶ 3.

## The Importance of Intersectionality

It is imperative that the risk factors identified above are viewed not as a 'shopping list', but rather as intersecting. The confluence of these and other factors change not only the *degree* of risk experienced by an HRD, but also the *nature* of this risk. A lesbian activist organizing peaceful protests against 'corrective' rapes of lesbian women will be exposed to a different risk matrix than a male journalist seeking to expose rapes of civilian women by government troops. What is common to all HRDs working on issues of sexual violence in conflict is that they are *all* challenging socio-cultural norms and power relations. This is profoundly important work, if the aim of the Summit - translating political commitment into practical action - is to be achieved at a grassroots level. However, it also exposes HRDs to heightened risks, and demands considered and robust support from the international community.

## Recommendations

### What Can the International Community Do?

The prospects for ending sexual violence in conflict situations are inherently tied to the need to provide radically enhanced support for HRDs working on the front lines of these issues, in Africa and globally.

In order to enable a safe and enabling working environment for HRDs working to end sexual violence in situations of conflict, EHAHRDP makes the following recommendations for action to donors and development partners:

- Support governments of States experiencing and emerging from conflict to implement country-level protection plans for HRDs;
- Enhance regional protection mechanisms, to provide protection services where national-level processes fail or are absent;
- Ensure that national- and regional-level protection plans provide for the mainstreaming of women HRDs into national level human rights coalitions;
- Support capacity building activities for HRDs, with a particular focus on physical, organizational and digital security, and require that all such activities reflect an understanding of how gender, conflict and subject matter of investigation impact the degree and nature of security threats;
- Support capacity building for HRDs on investigation, monitoring and documentation of sexual violence, based on the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*.

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) seeks to strengthen the work of human rights defenders (HRDs) throughout the sub-region by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights.

EHAHRDP is the secretariat of EHAHRD-Net, a network of over 75 human rights organizations in the eleven countries of the sub-region: Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda.



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