



a guide for

SEX WORKER

HUMAN RIGHTS DEFENDERS

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HUMAN RIGHTS
DEFENDERS**

September, 2014

The Sex Workers' Rights Advocacy Network (SWAN)

is a network of 20 civil society organizations in 19 countries in Central, Eastern and South-Eastern Europe and Central Asia advocating for the human rights of female, male and transgender sex workers. SWAN member organizations work with or are led-by sex workers and sex worker leadership is an organizing principle of the network. SWAN was founded in 2006 and was officially registered as the SWAN Foundation in January of 2012.

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A Guide For SEX WORKER HUMAN RIGHTS DEFENDERS, September 2014.

A first version of this guide was produced in 2011-2012 by Anna-Louise Crago for joint SWAN, TAIS Plus and Shah'Aim trainings in Kyrgyzstan.

This project was supported by the UNFPA, UNDP and the Open Society Foundation

About This Booklet

This booklet is aimed at sex workers of all genders and backgrounds, sex worker projects, human rights organizations and advocates. It contains practical information on how to start human rights documenting projects, to organize human rights campaigns and to use formal human rights mechanisms.

Acknowledgments

SWAN would like to thank the UNFPA and UNDP for their generous support of this project and their invaluable partnership in advancing sex workers' rights and health worldwide. SWAN would also like to acknowledge the Open Society Foundation for their strong and devoted support since the network's inception.

SWAN would like to specifically support the partners and allies who have allowed to reproduce, and in some, cases adapt their work. Notably: Karyn Kaplan, Daniel Wolfe, the Harm Reduction Program at Open Society Foundation, the Law and Health Initiative at Open Society Foundation, Inmaculada Barcia, Women Human Rights Defenders International Coalition, John Fisher, ARC International. Sadly, Rights and Democracy no longer exists, however all excerpts used here are duly credited.

We would like to thank the individual sex workers, sex worker groups and sex work projects that generously shared their time, experiences and expertise with us in the hopes of the improving the recognition of sex workers' rights as human rights.

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INTRODUCTION

This booklet is a patchwork quilt. We have cited some of the texts that have been most helpful to us in building human rights documents projects and stitched them together for you.

The first part of the book goes over some of the nuts and bolts of starting up a human rights documenting project. It begins with questions to ask yourselves; safety and other ethical considerations and possible models of documenting. Then it offers concrete tips on interviewing, possible content to consider for an interview guide and a possible evidence list for case documentation.

Following that, we dive into some of the different ways you can use your documentation for your activist goals. There are many original ways that are not included here but that can be powerful. For example, it can be deeply meaningful to share stories of violations internally, amongst a community of people whose rights have been violated; to transform them into dance or art; to turn the momentum of documenting projects into civil disobedience or labour actions or simply, acts of support, caring and kindness to each other.

Here, we focus specifically on using documentation work for political campaigns, for submissions to government bodies and for human rights mechanisms. As the booklet moves to how to deal with these systems, do not get discouraged if it is intimidating. Learning how these systems work is a lot like moving to a new town and figuring out who's who, who does what and whose door is the best to knock on in a given circumstance. For some of this work, many sex worker projects have been greatly helped by human rights experts with a lot of experience with these systems, including some women's rights groups, HIV rights groups, LGBT groups, and anti-torture groups. Activist-lawyers these can also be great allies to develop as you move forward. You may also decide that you wish to prioritize only working with local politicians or only working with UN bodies or to do something else entirely. This section will help explain some of the

possibilities for you to choose from.

Lastly, there is a very long table that lists common rights violations against sex workers on one side and the rights within international human rights law that are infringed in each case. This table is to help sex workers and allies to be able to point to the specific treaties or conventions that a government is violating when sex workers' rights are not respected. It will hopefully be useful when writing letters to governments or UN bodies or for teaching women's rights and human rights' advocates how to understand many of the injustices we face in a human rights framework.

We hope this booklet proves a helpful resource all along the way in your documenting project and that one day, we may run out of injustices and abuses to document.

DIFFERENT MODELS OF HUMAN RIGHTS DOCUMENTING

No matter how you choose to document, there are a few important questions to ask yourselves before you start documenting:

- What am I trying to find out or show?
- What are the safety risks and benefits to everyone involved (people giving information, people gathering information, people storing information, people advocating)?
- What is our safety or support plan if documenting puts someone at risk?
- How will we protect the information we collect or the identities of people involved?
- What resources do we have?
- What allies do we have?
- What method of documenting do we feel able to do?

A careful and sensitive inquiry into ethical questions about safety and risk should be at the heart of every human rights documenting project, from start to finish. The answers to some of these questions may change and so it is important to keep asking them of each other through out the entire process.

Doing so at the very beginning will also help you pick a model for human rights documenting that is right for you. Below is a list of a few different approaches and how they can be used to show or explain different things. As you read through them, think about which elements are a good or a bad match for the type of documenting you want to do.

Remember that documenting can happen with a pencil and paper, a computer, or in our day and age, with cameras or audio-recorders on phones.

- Surveys that ask many people if they have experienced a certain type of abuse. Yes-No questions or Open questions. Usually anonymous. Done during a fixed time period.
Useful for campaigns (“85% of sex workers...”). Can be easy to get many responses and have broad information but with little context or human stories. Very hard to get enough numbers for the percentages to be considered statistically representative.
- Basic (not too detailed) interviews about instances of abuse as they occur. On-going over time.
Often used in data-bases. Useful to be able to present information such as: “5 murders of sex workers in 3 years.” or “Twelve reports of discrimination from the Central Clinic”.
- In-depth interviews with people about whether they have experienced abuse generally or certain types of abuse. Open questions. Fixed-time.
Often used to write reports about the different kinds of human rights issues a community is facing. New issues and patterns come to light. Information has a lot of context and explanations. Individual cases can sometimes be taken out and presented separately but generally are not showcased in great depth.
- In-depth interviews only with people who have experienced a certain type of abuse. Fixed-time or on-going.
Helps to identify the specific patterns in ways that abuse is happening. For example, “The police raped most women at the police station. This indicates...”
- In-depth interview with a survivor of abuse, (sometimes also other witnesses) about a specific event. Inclusion of supporting documents or evidence. Fixed-time.

Documents a specific case. Useful for drawing national or international attention to a case of concern. Highly detailed information.

- In-depth interview with survivors and witnesses of a series of specific events. Inclusion of supporting documents. Fixed-time.
Same as above but can also establish similarities and differences between the same kind of cases.
- Presents a new policy or law and analyzes its possible impact on health and rights.

ETHICAL CONSIDERATIONS FOR DOCUMENTATION WORK

((From Asia Pacific Forum on Women Law and Development. *Claiming Rights, Claiming Justice: A Guidebook on Women's Human Rights Defenders*, Chiang Mai, 2007: APFWLD: p.92-93) and Excerpt Adapted from Rights and Democracy. *Documenting Human Rights Violations by Non-State Actors* p.99-101)

Beyond the ethical considerations regarding safety mentioned above in the section on choosing a documenting model, some other important considerations include:

- **Accuracy:** ensuring that you have taken every measure to ensure the information you are presenting is accurate.
- **Avoidance of Sensationalism:** the gruesome details or dramatic nature of certain cases, if not handled carefully can distract from the rights issues that underlie them;
- **Avoidance of Stereotyping of Certain Groups;**
- **Avoidance of Manipulation,** especially if dealing with the media, but also manipulation by political forces who may wish use your case to advance their agendas rather than to address the underlying rights violations.

INTERVIEWING SURVIVORS AND WITNESSES OF HUMAN RIGHTS VIOLATIONS

(From A. Calamard. *A Methodology for Gender-Sensitive Research* p.36-45)

A) Preparing for the interview(s)

- Keep in mind that people may have come to have normalized abuse: 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 with clear and simple words that meaningful to them and avoiding labels like "abuse" that may mean different things to different people.

- Be aware of your attitudes regarding rape and sex: 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.

Try to be in touch with your own fears and discuss them with your colleagues. Are there any areas that you feel are too frightening, embarrassing, painful to discuss? In situations where those might arise, it is best to let someone more comfortable do the interview.

- Find out about local structures (NGOs, hospitals, lawyers) that may provide assistance to survivors of violence including rape or torture 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 important questions to remember or develop a questionnaire. Beware, however: if you are too rigid and have a cross-examination approach to the interview, you will not establish the

relationship of trust and cooperation of the interviewee necessary to obtain the information.

Show the checklist to people 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 appropriate.

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

Psychological, social and political constraints

- 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.
- 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.
- 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.

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.

Consent, clarity and accountability

Clearly explain:

- The purpose of the project (i.e. human rights report to be disseminated in the media, a court case etc.)
- How long the information will be kept, where and who will have access to it
- That they can stop the interview or withdraw from the process at any time
- Whether information will be anonymous, confidential or named
- That there is no compensation for participating
- Contact information for someone they can contact if they want more information on the project

Ensure they give you their full consent to participate. She/he must understand the goals and the consequences, if any, of providing information, and the basis upon which she/he is divulging information.

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.

Prepare for discussing painful or traumatic events

- Let the interviewee know that since speaking about traumatic events can be very difficult, that if they need to, they must feel free to stop, to take a break, to cry or to do what they need to take care of themselves. Ensure that the interviewee is referred to support services that she can access if the interview reawakens post-traumatic stress.
- It is difficult to witness such pain but it is important not to blame yourself or think of yourself as the perpetrator of it. It is helpful to remember that 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 and have them received and validated with care and compassion.
- In the course of the interview demonstrate your caring and attentiveness by expressing your concerns: “I hear how sad and scary that must have felt”. Support the strength of the interviewee; use any opportunity to reinforce it: “It took real courage on your part to come here.”
- 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.

B) At the Beginning of the Interview

- Interviews should be conducted in as private a setting as possible.
- Interviews should be conducted on a one-on-one basis unless the survivor requires a friend or trusted person accompany them. Avoid collective interviews.

- Establish trust: Survivors and witnesses must be convinced that you want to hear their story; that you are prepared to spend sometime listening and recording the details; that you are prepared to respond to their concern about confidentiality or other worries.

C) While conducting the interview

- **Listen:** allow the survivors to tell you their account in their own way and time. 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 "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.

If something still does not add up, say so: "This does not add up and I am a bit confused." Ask more direct questions (probing).

- **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. 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?” “Did the raids happen before the election?”

- **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 police raids on X?”

- **Be sensitive to the survivors’ or witnesses’ 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. Try to maintain eye contact with the interviewee throughout the interview and show them know you are 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. Tell the person how terribly upset she/he must be, how sad she/he must be feeling, etc.

D) Concluding the interview

- **Ask the interviewee whether she/he would like to add anything and whether she/he has any questions.**
- **Confirm with 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.
- **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.
- **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.
- **Do not feel guilty or stressed:** most survivors do have a support network, including friends, family members, fellow prisoners, etc.

RECORDING INDIVIDUAL CASES

(From Rights and Democracy. *Documenting Human Rights Violations by State Agents –Sexual Violence*, p. 36-38/58-59)

To facilitate monitoring, it is recommended that you develop a form to record individual cases of alleged abuses. You must adapt it to the specific circumstances of your country or region. Here is an example of suggested content for a form for documenting incidents of sexual violence.

1. Victim identification information

- Name (last and first name, nickname):
- Date of birth or age:
- Gender:
- Profession/occupation:
- Family status:
- Address:
- Nationality:
- Religion:
- Ethnicity:
- Physical description or photograph:

2. Location of the incident

- Date and time of the alleged incident:
- Precise location (i.e. name of the police station):
- Province:
- District:
- City/village or nearest city/village:
- Street address if applicable:

3. Description of the incident

4. Circumstances

Briefly describe the events immediately preceding the incident of violence

5. Alleged perpetrators

6. Evidence

- Witnesses:
- Forensic evidence:
- Court record:
- Other:

7. Governmental responses

- Complaint lodged:
 - when?
 - where?
- Public statements:
- Official investigation:
- Conclusion:
- Court cases:
- Judgment:

8. Your actions

- Identity of first source:
- Date:
- Information compiled by:
- Visit to the scene: YES NO
- done by: on:
- Interviews of witnesses: YES NO
- done by: on:

LIST OF POSSIBLE EVIDENCE

(From Rights and Democracy. *Documenting Human Rights Violations by State Agents –Sexual Violence*, p. 47)

- Medical records
- Photographs
- Official acknowledgement
- Official documents (i.e. police records, court records)
- Autopsy report
- Physical signs or marks
- Mental state of the victim

ANALYZING PATTERNS OF ABUSE

(From Rights and Democracy. Documenting Human Rights Violations by State Agents –Sexual Violence. p. 38-42)

1. PATTERNS WITH RESPECT TO THE IDENTITY OF THE VICTIMS
Who are the most likely victims of violence?
The victims of violence may have a number of common characteristics, such as age group, gender, residency in clearly defined areas, drug use.
2. PATTERNS WITH RESPECT TO THE CIRCUMSTANCES SURROUNDING THE INCIDENTS OR ALLEGATIONS
Are incidents of sexual violence usually preceded by a specific set of events, or do reports of sexual violence increase (or decrease) following specific events?
3. PATTERNS WITH RESPECT TO THE NATURE OF THE HARM
Are there prevalent forms of violence?
A pattern may emerge in terms of the nature of the acts of violence.
4. PATTERNS WITH RESPECT TO THE LOCATIONS OF THE INCIDENTS OF SEXUAL VIOLENCE
Where are incidents most prevalent?
Locations may include specific regions or cities, specific police stations or prisons, military facilities, civilian homes, secret detention centres.
5. PATTERNS WITH RESPECT TO THE IDENTITY OF ALLEGED PERPETRATORS
Does a pattern emerge with regard to the identity of the perpetrators?
If perpetrators are security force agents, which are the principal forces and who are the individual perpetrators most often denounced within these forces? The alleged perpetrators may also have a number of common points, depending on the nature of the act of violence.

6. PATTERNS WITH RESPECT TO THE METHODS USED BY THE PERPETRATORS

Are similar methods used by the perpetrators? For instance, many incidents may be preceded by abduction. How many individuals are usually involved?

7. PATTERNS WITH RESPECT TO THE CAUSES BEHIND INCIDENTS OF VIOLENCE

Can you attribute the majority of incidents to similar direct or indirect causes, i.e. political orders to remove sex workers from a given area? Enforcement of police extortion.

8. PATTERNS WITH RESPECT TO INCIDENTS IN CUSTODY

If many cases are reported in the context of detention, such incidents may present a number of common aspects, such as the following: Patterns regarding the circumstances of the arrest, the individuals or agencies involved, the time and location where violence takes place, the nature of conditions in detention.

9. PATTERNS WITH RESPECT TO GOVERNMENTAL RESPONSES TO ALLEGED CASES

A pattern may emerge over time with respect to government responses to the accusations. Such a pattern may characterize official investigations or lack thereof, public statements following sexual violence, the absence or nature of the investigations, the nature of the procedures, the absence or nature of prosecutions, the identity of the courts responsible for the prosecution, the absence or nature of the verdict.

Are complaints and reports of violence (and sexual violence in particular) systematically investigated? Or are victims often unable to file a complaint? Are those alleged to have committed (sexual) violence charged and prosecuted? Is the process different or similar when the perpetrators are police or military?

WHEN WRITING UP A HUMAN RIGHTS REPORT OR SUBMISSION ON AN ISSUE OR A SPECIFIC CASE/INCIDENT...

(Adapted From Kaplan, Karyn. *Human Rights Documentation and Advocacy: A Guide for People who Use Drugs*. New York, 2009: Open Society Foundation with adaptations.

http://www.soros.org/initiatives/health/focus/ihrd/articles_publications/publications/hrdoc_20090218)

1. Show that there is a protected right

We should show that the abuses we investigate violate a right that the government involved is obligated to protect according to human rights legislation at the national or international level. In those countries where the right is protected at the international level, it should be shown that the state has ratified that treaty and consequently has the legal obligation to comply with its requirements. When several rights are involved, each should be indicated separately to show that the state was obligated to protect each one.

Some rights that have been invoked in defense of sex workers are: the right to health services, access to information, freedom from arbitrary arrest and detention, and the right to life. Sex worker activists need to develop the analytic framework to show the connections between the lives of our communities and protected human rights, which many times do not explicitly refer to issues related to sex work. This process, while arduous, can be instructive.

It is a challenge to move beyond the current interpretations of rights, which may not include us, and provide the basis by which the interpretation of these rights should be expanded.

2. Show that a violation of rights on the basis of “sex worker status” occurred

Not every human rights violation that a sex worker suffers has to do with their sex worker status, so it is important to demonstrate a cause-effect relationship if your investigation is mainly concerned with abuses against sex workers. Human rights advocacy works just as powerfully at the grassroots level, helping to build alliances across shared interests on certain rights issues between diverse groups.

3. Show clearly the responsibility of the state

We should analyze whether the state is responsible through direct action, through failure to prevent abuses, or inability to punish perpetrators of human rights violations.

(...). Individual governments are responsible for taking steps to prevent violations of human rights as well as for bringing perpetrators to justice. Therefore, governments must take practical measures to reduce the incidence of violations, through legal, educational, and other means.

4. Identify and evaluate possible solutions

It is critical to consider how to put an end to the abuse and to prepare concrete recommendations for all responsible parties, including the state as well as nongovernmental bodies and actors. To identify the broadest and most effective range of solutions to the problems identified, it is a good idea to consult with directly affected people, who best can express what they would like to have done. (...)

5. Publicize the results

A fundamental component of any strategy for defending human rights is to decide the best form to present the results of an investigation. One possible format is a written report. Other possibilities are editorial letters or articles to be published in newspapers, magazines, and public forums—these can be particularly effective if a goal of the investigation is to educate the public. If the objective is to get witnesses and facts that support a case

that is already in the courts, then the presentation should be fine-tuned to be useful in this legal context.

When the objective is to support a presentation before human rights bodies at any level, the report should be structured in a way that offers the information that this mechanism requires. When using the documentation for political action at the national, regional, or international level, it is useful to develop a detailed report that can be published and disseminated widely.

When writing reports, we should always include conclusions and recommendations. These should target local, national, regional, and international levels as appropriate, have grounding in national or international legislation, and be realizable. The content of the report, of course, should be approved in advance by the persons most affected by the violations, and who should also be involved in follow-up advocacy if possible.

Send copies of reports to the government (noting that your group did so officially in the text); to activists; nongovernmental organizations; relevant corporations and donor organizations; and the media. The more attention a report receives, the more likely it will generate pressure from the public so its conclusions can be implemented.

6. Push for accountability

Identifying important actors in human rights violations and holding them accountable nationally or under UN and regional mechanisms is a critical and powerful endeavor in the process of realizing rights, and activists should explore options for doing so. Getting recognition and redress through formal mechanisms, such as those of the UN, are not the only way that violators can be held accountable. However, when a violation is recognized by a UN official such as a “Special Rapporteur” (see Appendix B) or a favorable UN court decision is handed down, it resonates internationally.

During Thailand’s violent war on drugs, comments condemning Thailand’s behavior by Hina Jilani, the UN Secretary General’s Special Representative

on Human Rights Defenders, and Paul Hunt, Special Rapporteur on the Right to Health, were circulated around the world. These continue to be a source of shame for the Thai government, continually invoked by Thai politicians as a warning against further abuse and recognition that human rights vigilance crosses borders.

A discussion of examples of human rights responses involving sex workers and of some of the complexities of advancing sex workers' rights through human rights bodies is discussed below.

TIPS FOR WRITING HUMAN RIGHTS SUBMISSIONS AND LETTERS

Depending on who you will be writing to, there may be specific information you are asked to provide. Also consider following the tips below that are based on feedback offered by different experts on SWAN member submissions to various human rights bodies.

A) Important Ingredients: Writing About an Issue

1. Paragraph describing what your organization does.

2. Background information giving general information to place what you are going to explain in context or to explain why it is a problem. For example if it is on barriers sex workers face to treatment:

“In Russia, sex workers have a higher likelihood of living with HIV than the population in general...However, only 15% of sex workers are accessing treatment.”

3. Tell your reader where you are taking them by outlining the main points you will cover. For example:

“Sex workers in Russia have trouble getting ARVs due to the following barriers:..”
“Sex workers face the following legal and social obstacles to reporting violence to police in Bratislava...”

4. If possible group all the small details into a few broader categories. This will make it easier for the reader to place the details in a bigger picture. For example:

“The following 4 kinds of laws make sex workers vulnerable:...”

“There are the five main ways police violence affects sex workers:...”

5. In some cases, it is helpful to illustrate the issues with concrete examples of ongoing cases. Only do this when the examples are good illustrations or important pivotal cases. Do not go into unnecessary detail with the examples. It is good to footnote these to explain where you are getting your information from.. For example:

29. Report by a sex worker to TAIS Plus. Name withheld for safety reasons.

VI. “Dominatrix Wins National Elections” *Budapest Post*, March 9, 2011

* SWAN. *Arrest the Violence: Human Rights Abuses Against Sex Workers in the CEE-CA*. 2009.

6. Make the connections clear. You know very well and may forget to explain how one thing impacts another. It is important to connect the dots for your reader. For example:

“Police harassment is an obstacle to condom use.”

Is not as clear as:

“Police harassment can lead sex workers to choose not to bring condoms to work for fear they will be used as evidence against them. This is an obstacle to sex workers protecting their health.”

7. Summarize your main points.

8. Either in the body of your text or your summary, link the issues to human rights laws in your country or human rights treaties that your country has signed and ratified (see SHARP-LAHI Document).

9. Make clear recommendations or requests to a clear audience:

“We call upon the city council of Skopje to...”

B) Important Ingredients: Writing About an Incident or a Case

1. Introduce the incident. For example:

“This report concerns the forced testing of sex workers for Hepatitis C and HIV in Skopje.”

2. Explain what took place. Make sure to answer: Who-What-Where-When-Why. Footnote your sources and make sure that your timeline is clear. Explain any response following the incidents.

3. Link the events to human rights laws in your country or human rights treaties that your country has signed and ratified (see table in section 16 below).***Human rights lawyers can be very helpful with this part.

4. Place the incidents in context. Describe relevant laws or previous cases. For example, if the case is regarding police violence, you can mention that this is a documented pattern in your city. You can mention for example that there have been 3 previous complaints reported to police captain X in 2011 and none have led to any outcomes.

5. Make clear recommendations or requests to a clear audience.
For example:

“We call for a full investigation into...”

C) SOME HELPFUL SOURCES for Context on Sex Work & HIV

Central Eastern European Harm Reduction Network (2005 report on sex work in the CEE/CA and web site)

<http://www.harm-reduction.org/ehrn-publications.html>

Arrest the Violence
(swannet.org)

Aidslex
<http://www.aidslex.org/english/Home-Page/>

NATIONAL SUBMISSIONS AND CASES

Who Do We Go To?

Depending on your country context, there may be a number of institutions or individuals to whom an issue can be reported or a case can be brought. Here are some examples:

- * Open Letter to the Media
- * Advocacy Reports for the General Public
- * Letter or Report to Government Human Rights Bodies, Ombudsmen
- * Letter or Report to Ministers on the Status of Women, Equality, Social Welfare etc.
- * Statement to City Council
- * Collaboration with lawyers or legal services to bring a court case.

If you do not know which of these exist in your context or are the most strategic, consult with a local human rights group or allied groups.

Human Rights Documentation at the National Level

The types of information gathered for work at the national level depend on whether the aim is to devise, launch and carry out a campaign or to prepare a legal case. In some instances, the information may be helpful for either or both approaches. In others, specific information and a specific way of presenting it are required. Local legal and human rights experts are the best placed to inform you on what standards documenting must meet for legal cases, national human rights bodies or ombudsmen.

Information Needed for a Campaign

In general, a campaign can be built using less specific data, although some initiatives may require greater detail. While campaigners may choose to

highlight one or several specific cases in order to illustrate the nature of human rights violations, they do not need to. A campaign that aims to raise awareness may take as its starting point the simple statement that “there are 200 to 300 documented cases of ‘honour’ killings taking place in [country] every year” or that “domestic violence constitutes 80 percent of all violent crimes committed in [the same country].” It is important to stress, however, that campaigns should be based on verifiable facts and solid research. A reliance on anecdotal or very general information may cause the campaign to lose credibility or inadvertently discredit important issues.

ADVANCING SEX WORKERS' RIGHTS THROUGH HUMAN RIGHTS MECHANISMS: OPPORTUNITIES AND CHALLENGES

Special Rapporteurs

Some sex worker groups have had good experiences using the Special Rapporteur system. However, it is important for sex workers to know that there are two challenges we face in engaging with special rapporteurs. The first is that rapporteurs may not want to engage with sex worker issues, particularly where sex work is criminalized, because they may consider it too politicized or too different from the issues they are used to addressing. The second challenge is that on occasion, and often depending on the person who occupies the position, a few rapporteurs can be explicitly **anti-sex work and anti sex workers' rights**.

This means not only that they may not do much good, but also that they can do harm. For example, previous Special Rapporteur on Trafficking, Sigma Huda, was extremely anti-sex work and promoted the criminalization of sex work. The Rapporteur on Violence Against Women (VAW) has sometimes been explicitly anti-sex work and other times, has been incredibly helpful. It is important to find out this background information, possibly from the Global Network of Sex Work Projects, before addressing her.

Two successful examples with the Rapporteur on VAW involved two different rapporteurs, one in 1999 and one in 2012:

* In 1999, police violently raided brothels in the Tanbazar district of Narayanganj, Bangladesh under government orders and imprisoned women in “rehabilitation centers”. Sex workers and human rights groups petitioned the UN Special Rapporteur on Violence Against Women who raised concerns with the government.

* In 2012, the Rapporteur on VAW , Rashida Manjoo, denounced police violence against sex workers:

“Complaints of violence and sexual abuse of women by the police while in detention and outside was a systemic issue, including against sex workers,” Ms. Manjoo said. “Regardless of the specific manifestations of violence suffered, most interviewed victims felt that the policing sector had not provided them with an adequate response to their cases.”¹

Another important ally for sex workers has been Anand Grover, the Special Rapporteur on the Right to Health. His 2010 report addressed the human rights impacts of the criminalization of sex work, drug uses and homosexuality. He has also called for the closing of centers that imprison sex workers and drug users for “forced rehabilitation” in East Asia.

CEDAW

Many countries have signed on to UN Convention on the Elimination of Discrimination Against Women (CEDAW). These countries must regularly report on their progress in implementing CEDAW to the UN. For women sex workers, CEDAW can be a potentially powerful tool to advocating for human rights. However, CEDAW has many flaws. Among them is the fact, that it can also be used against women sex workers and has yet to recognize trans women sex workers as women. To learn more about using human rights documenting to participate in the CEDAW process, read SWAN’s booklet entitled: “Reporting From the Shadows: Using CEDAW to Advocate for Sex Workers’ Rights in Central Eastern Europe and Central Asia”

Mainstream Human Rights Groups

Mainstream human rights groups would seem to be natural allies to sex workers’ groups fighting for human rights. Sadly, however, this has not always been the case. One reason is that human rights treaties that touch

1 (<http://www.awid.org/Library/Papua-New-Guinea-Special-Rapporteur-Violence-Against-Women-Calls-for-Accountability-Vs.-Impunity-for-Gender-Violence>)

on sex work are very vague and can be interpreted in different ways: some anti-sex work governments and groups have argued that they can be interpreted as saying that sex work ITSELF is a human rights abuse that should be criminalized and that human rights groups need to fight. A second reason is that human rights groups have only slowly and cautiously touched on sexual rights. Only after great pressure by LGBTI activists in the 1980 and 1990s did LGBTI rights begun to be recognized by mainstream human rights group. That said, the tide is slowly turning as many human rights groups and advocates come to recognize that sex work is not itself a human rights abuse and that attacking, repressing and criminalizing sex work causes great human rights violations to sex workers.

Human Rights Watch has endorsed a policy supporting the decriminalization of sex work and has worked closely with sex workers in many parts of the world to document rights abuses against them. This work was pioneered by the Health and Human Rights department at Human Rights Watch.

As of the writing of this booklet, Amnesty International is debating its position on sex work. However, they have a long tradition of denouncing summary executions of trans women sex workers in Latin America by the police or military. They also issued a statement of concern in 2010 after the Ugandan government shut down a meeting of sex workers' rights activists in Uganda. Amnesty International is directed by its very large international membership so encouraging the organization to support sex workers' rights needs to happen not only internally, but amongst grass-roots members.

Lastly, many local, national and regional human rights groups have a long history of explicitly supporting sex workers' rights. These include, among many others, AWID, GAATW, CREA (India), The Hungarian Civil Liberties Union (Hungary), The Canadian HIV Legal Network (Canada), the Women's Legal Centre (South Africa) and many others !

A GUIDE TO THE UN SPECIAL PROCEDURES

(From ARC: *Guide for LGBTI Human Rights Defenders* p.3-9 with adaptations)

Overview

This guide is designed as a practical aid to working with the United Nations system of independent human rights experts, known as the Special Procedures, for non-governmental organizations (NGOs) and advocates working on issues of sexual orientation and gender identity.

The Special Procedures system is made up of experts, usually titled Special Rapporteurs, assigned to investigate and report on the realization of certain rights around the world, or in specific countries. Over the past decade they have become one of the most effective international instruments for confronting violations of the rights of lesbian, gay, bisexual, transsexual and intersex (LGBTI) people. Amongst other examples they have taken action against killings, violence, deprivation of liberty, denials of the rights of freedom of expression and association, as well as discrimination in access to public services. Often their independence allows them to shine a light on issues that are otherwise deemed too politically ‘sensitive’ for discussion at the international level. The Special Procedures have therefore proved themselves to be of considerable value to the community of LGBTI activists.

A) Who and What are the Special Procedures?

Introduction

“Special Procedures” is the collective term used for a group of human rights experts tasked by the United Nations with investigating, and reporting on, the situation of human rights around the world. They are mostly individuals, titled Special Rapporteur, Independent Expert or Special Representative, but

some of the Procedures are also Working Groups typically comprising five members. The different titles can sometimes denote differences in working methods but any such distinctions are usually minor. They Procedures are established by the UN's main inter-governmental body for dealing with human rights issues - until 2006 the Commission on Human Rights and now the Human Rights Council (HRC - see box).

There are two broad categories of Special Procedures: country and thematic 'mandates'. The **country mandates** report on the situation of human rights in a specific State, while the **thematic mandates** consider the occurrence of a specific phenomenon, such as torture, or the realization of a certain right, such as the right to education, around the world. There are currently 9 country and 30 thematic mandates.

What the Special Procedures Do

The specific tasks assigned to any given Procedure vary according to the resolution establishing the mandate. The **webpages** of the various mechanisms give more detailed information on the relevant resolutions and the mandate's work. For the most part, however, the tools available to the Special Procedures are the same: **communications with governments through allegation letters or urgent appeals; country visits; reporting to the human rights council; public and educational work.**

B) Why Work With the Special Procedures?

The Special Procedures possess several tools that can be used to strengthen the work of sexual orientation and gender identity advocates. Advocates will, however, have to make a choice about whether to assign scarce resources to working with the experts. Often communicating with experts in Geneva can seem disconnected from NGOs' everyday work, and it is also the case that the Special Procedures have not power to compel governments to respect the rights of their citizens. Why then should activists work with the experts?

In the first place, it is the case that sometimes governments do change behaviour or policy as a result of words or letters coming from the UN. In some circumstances, such as when individuals are at risk of torture or are being detained illegally, urgent recourse to the UN system can save lives. More generally, the power of shame should not be discounted and those words or letters can be well understood as an additional, and potentially influential, way to get across messages that are already being delivered at the local level.

Example: *The Special Rapporteur on Extrajudicial Executions has raised the question of the **targeting of individuals** because of their sexual orientation and made the failure of certain governments to address those killings public, including in the HRC itself. Similarly, the Special Rapporteur on Human Rights Defenders has taken up the cases of many defenders working on sexual orientation and gender identity whose work and personal safety come under threat as a result of their attempts to assert their rights.*

Second, even when there is no obvious progress made as a result of an appeal to the UN, the act of appealing, and of having representatives of the international community take up the case, can provide credibility to local groups and much needed support by making clear that victims are not alone in their struggle. This is particularly relevant with issues of sexual orientation and gender identity where such struggles can often seem very isolated and isolating.

Example: *On the 23 February 2007, the Special Rapporteurs on Human Rights Defenders, Racism, Violence Against Women and Health issued a **joint statement** calling on the Nigerian government to reconsider the notorious “Same-Sex Marriage (Prohibition) Act”, then being considered by Parliament. They expressed concern that “the proposed law will make persons engaging in, or perceived to be engaging in, same sex relationships in Nigeria more susceptible to arbitrary arrests, detention, torture and ill-treatment and expose them even more to violence and attacks on their dignity.” This lent international support to domestic opposition to the bill.*

Third, working at the international level can provide opportunities for

activists to expand the reach of their organizations: to meet, form alliances and coordinate their work. It may also provide access to new sources of funding.

Example: *The Special Rapporteur on Violence Against Women has been a high profile advocate of the connection between rights and sexuality and, in particular, on the **violations** that follow from attempts to **control women's sexuality**.*

Lastly, the act of bringing these issues to the international system is important because it forces that system, and the governments that make it up, to acknowledge and confront the difficulties faced by millions of people around the world. Individual efforts are therefore contributions to a larger movement pushing for governments to live up to their promises of universal human rights.

Example: *The former-Special Rapporteur on the Right to Health asserted on several occasions that sexual orientation is amongst the **prohibited grounds of discrimination** under human rights law, and that sexual rights include the right to express one's sexuality as one sees fit. He was criticized for these positions by certain States. Yet, as he pointed out in a later **interview**, "being a Special Rapporteur is not a popularity contest. Whether controversial or not, it is my job to explain, apply, promote and protect the right to health in the context of international human rights law. We must never lose sight of the fact that millions of men and women are persecuted – and many are killed – on account of their sexual orientation." The claims of these people are therefore heard despite the reluctance of States to acknowledge their human rights.*

C) Advantages of the Special Procedures

The methods of work of the Special Procedures offer a number of key characteristics that make them particularly useful to NGOs and advocates working on sexual orientation and gender identity:

Urgency: The ability to issue urgent appeals is unique to the Special Procedures and is key in cases of ongoing violations or in preventing violations about to occur. This capacity has saved lives in the past.

Accessibility: The UN system of NGO accreditation involves a high commitment of time and resources and is particularly difficult for NGOs working on sexual orientation because of the political sensitivity of the issue. It is important, then, to note that any victim or group can work with the Special Procedures.

Coverage: Another key aspect of the relevance of the Special Procedures is that they can operate independent of treaty ratification by States. That is, their work is universal in that they can address violations of rights in any country in the world.

No Need to Exhaust Domestic Remedies: Some international human rights mechanisms require victims to have exhausted all domestic avenues of redress before they will act. This is not the case for the Special Procedures.

Independence: A crucial characteristic of the Special Procedures is their independence from governments once appointed. This enables them to work on politically sensitive issues and to challenge governments in a way that other bodies are unable to do. They are also able to propose and support progressive interpretations of international law that reinforce the rights of LGBTI people, and to keep issues of sexual orientation and gender identity on the international agenda at a time when States are either actively hostile, or rather timid in the face of the hostility of their peers.

D) Procedures of Relevance to Sex Workers Advocates

Many of the Special Procedures can prove useful to advocates working on sex work. There are, however, a number that are worth mentioning in some detail because of their particular relevance, or because of work they have already undertaken. Below, there is information about what these rapporteurs have done on LGBTI issues, which though they overlap with

sex worker issues, have gained more advances in human rights bodies. Nonetheless, I have left these in because they often use “sexual rights” arguments that can be used for sex workers and because in the cases of male and transgender sex workers they overlap.

Working Group on Arbitrary Detention: The Working Group considers cases of alleged arbitrary detention and communicates with governments before rendering opinions on the detention. It considers detentions arbitrary where the principles of fair trial have been violated, where persons are detained for exercising their rights, or where detention is simply arbitrary without legal process or basis. In the past the Working Group has identified detention on the basis of sexual orientation as arbitrary because of its discriminatory quality. Unfortunately, in cases where evidence is planted on sex workers or where sex work is criminalized, it may be more difficult to advance that detention of sex workers is “arbitrary”, but still worthwhile to try. However, in cases where sex work is not criminalized with a jail sentence, it may be very useful to denounce the repeated unlawful detention of sex workers, instances where fair trial principles have been violated and instances where sex workers are detained in relation to their human rights work.

Working Group on Enforced or Involuntary Disappearances: The Working Group considers cases where individuals’ whereabouts are unknown and it is suspected that they have been arrested, detained or abducted by, or with the acquiescence of, the State. The Group seeks to ascertain the whereabouts and status of such individuals by writing urgently to the relevant government. In the past, the Group has raised concerns at the practice of ‘social cleansing’ of individuals because of their sexual orientation. This may be an important avenue to pursue for sex workers, in particular in cases where it can be shown that government policy tried to “cleanse” an area of sex workers even if sex work itself is not a jailable offense. Again, we may run into slightly more difficulty if laws against sex work were used.

Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: The Rapporteur acts on information of specific cases of alleged extrajudicial,

summary or arbitrary executions, or death threats, as well as general information about questions related to the right to life. He has placed a focus in his communications, reports and visits on the killing of individuals because of their sexual orientation as well as on patterns of ‘cleansing’ of individuals because of their sexual orientation. He has also criticized the application of the death penalty for sexual ‘crimes’. For sex workers, this rapporteur might be interesting to address in cases where sex workers are receiving death threats, or are believed to have been killed, by state-actors.

Special Rapporteur on Freedom of Opinion and Expression: The Rapporteur reports on, and seeks to protect, the exercise of free speech by individuals, the media, civil society and political groups. As such the mandate is very relevant for cases in which individuals’ exercise of free expression has been limited because of its connection to sex workers’ rights, or where groups seeking to protect the rights such individuals have been censored or threatened. It is worth noting that the mandate also seeks to uphold the right to freedom of assembly. This may be an interesting avenue for sex worker groups to pursue when they are denied recognition as community groups.

Special Rapporteur on Freedom of Religion or Belief: The Rapporteur looks at incidents where intolerance impacts on the ability of individuals to practice their religion or beliefs, and also at intolerance flowing from those beliefs. Both aspects of this work are relevant for sexual orientation, gender identity and sex work advocates as they cover religiously-motivated intolerance towards individuals on the basis of their sex work, sexual orientation or gender identity and the denial of the right of religious expression to sex workers or LGBT individuals or groups. The Rapporteur has in the past addressed LGBT issues, including in the context of sharia law. In some contexts, this may be an important avenue for sex workers to pursue.

Special Rapporteur on Human Rights Defenders: The Special Rapporteur was appointed to further the implementation of the UN Declaration on Human Rights Defenders. She works with organizations and individuals around the world to improve the situation of human rights defenders. A

large part of the mechanism's role is the communication of allegations of violations against human rights defenders to the relevant governments. The previous Rapporteur (Hina Jilani) was very supportive of defenders working on sexual orientation and repeatedly raised concern at the particular challenges they face. There is also special attention brought to issues faced by women's human rights defenders, including sanction and violence from their own families or communities for the rights work they do. From sex workers' perspective, when we are part of an organized group, our activism is more likely to be recognized as "human rights defending". A number of sex worker projects in Africa and Asia have explicitly called themselves or their groups "human rights defenders" in their materials and in the media specifically to gain this recognition. In part, because many states have specific obligations to protect the safety of "human rights defenders", it may be more of a challenge to gain this recognition for sex workers who organize in informal ways, for example, by simply refusing to pay extortion or by sharing information amongst each other. That said, nothing is lost in trying to argue for their recognition as human rights defenders as well.

Special Rapporteur on the Independence of Judges and Lawyers: The mandate was established to report on the violation of the rights of members of the legal profession through violence or intimidation. The work of the mandate, however, extends beyond this and includes consideration of fair trials, discriminatory treatment during the legal process, or discrimination within the legal profession. Although this rapporteur has yet to address sex worker rights' issues, it may be an interesting avenue for sex workers to pursue in situations where extortion or corruption of the courts are influencing either the repression of sex workers or the lack of response to cases of violence against them.

The Special Rapporteur on the Right to Health: The Rapporteur works on the right to health in the fullest sense, including on the underlying determinants of health.. The previous Rapporteur (Paul Hunt) devoted considerable attention to issues of sexual rights, including to discrimination on the basis of sexual orientation. The current special rapporteur, Anand Grover has been an even stronger defender of sex workers' rights speaking out against forced rehabilitation centres for sex workers and against the

criminalization of sex work.

The Special Rapporteur on the Right to Adequate Housing: The Rapporteur is tasked with addressing the standard, both material and social, of housing available to individuals and groups, as well as violations of that right. In the course of this work discriminatory practices as well as cases where individuals do not feel able to return home due to fear of violence have been identified. The Rapporteur has also drawn attention to the impact on the right to housing of multiple discriminations faced by women on the basis of their sexual orientation. This may be an interesting avenue to address the homelessness that many sex workers experience after brothel raids.

The Special Rapporteur on the Right to Education: The Rapporteur considers the right to education for individuals as well as the wider questions of the provision of education to society. The mandate has addressed questions of discriminatory access to education as well as the mistreatment of individuals within educational establishments as a result of their sexual orientation or gender identity. This may be an interesting avenue to examine discrimination against sex workers returning to school as adults.

Special Rapporteur on Torture: The Rapporteur is a key tool for responding to severe human rights violations. He acts where torture, or cruel, inhuman and degrading treatment, has occurred or where individuals are at risk of such treatment. The Rapporteur has consistently dealt with cases of individuals tortured or persecuted on the basis of their sexual orientation and has argued for such interpretations to be used when making refugee status determinations. Though the Rapporteur is mandated to consider torture committed by government agents, he may also address cases where the authorities have not done enough to prevent torture committed by others. This may be a pivotal rapporteur for sex workers to target, particularly in partnership with local anti-torture and human rights groups. There are strong arguments to make in a number of cases that the violence that sex workers have experienced by police or jail guards constitute torture, under the UN definition.

Special Rapporteur on Violence Against Women: The Rapporteur acts upon allegations of violence against women, and, in her reports, analyses patterns of such violence along with their causes and consequences. In the past, the Rapporteur has devoted considerable energy to the issue of the intersection of violence against women and violence on the basis of sexual orientation and gender identity, including violence that is faced by women that challenge societal norms of gender and sex. She has taken action on allegations of violence, including sexual violence, aimed against lesbians, metis, and other women. See the above section about the possibilities and challenges of working with this rapporteur for sex workers.

E) How Can Sex Worker Advocates Work with the Special Procedures?

Each of the tools available to the Special Procedures provides opportunities sex worker advocates. This section outlines how to take advantage of those opportunities.

Communications

As discussed above the communications procedure may be the single most useful tool of the Special Procedures from the perspective of sex worker advocates, who can submit information or allegations to the experts and request that they take the matters up with governments.

What Kinds of Communications Can be Sent?

There are three main kinds of communications available to the Special Procedures. All types of communication may be sent by individual Procedures or by a combination of them.

Allegation letters deal with human rights situations that have already occurred. They outline the allegations involved and then request information from the government on those allegations as well as on any measures taken to provide redress to victims. They may make suggestions as to actions the government should take following on from the incidents they describe.

They can deal with cases involving violations against individuals or groups and can also address more general concerns about the human rights situation in a country.

Urgent appeals, by contrast, are designed as emergency tools, to bring a halt to ongoing violations or prevent violations likely to occur. The Special Procedures aim to transmit such appeals very soon after having received information and request clarification on the status of individuals, or groups, as well as reminding governments of their responsibilities towards those persons.

Policy / Legislative Communications are a relatively new form of communication and are sent to register concern that an existing or proposed policy or piece of legislation has or will impact on the enjoyment of rights by certain members of the population. *** However, as noted above, the Special Rapporteur on the Right to Health, is the ONLY rapporteur that has endorsed the decriminalization of sex work and the Special Rapporteur on Trafficking has pushed FOR the criminalization of clients and third parties. In other words, depending on the law in question, it will be important to assess, based on the rapporteur's past work, if they will do any good.

Who Can Submit Information? In most cases anyone can submit information. There is no requirement that organizations be registered with the UN, and individuals can also submit information. The Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances have slightly more formal requirements and accept information from the individuals concerned (though this is obviously impossible in the case of disappeared persons), their families or representatives as well as NGOs. Families should presumably be understood to include same-sex partners.

Where Should Information be Sent?

Submissions should be sent to OHCHR at the addresses below. Although the staff will make an assessment of the kind of communication to be made and which Procedure(s) is most relevant, it is useful to indicate whether the situation is urgent, and to which mandate you want to direct your

information on the cover of the letter or in the subject line of the email or fax.

By email: **urgent-action@ohchr.org**

By post: **Quick Response Desk**

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix

CH–1211 Geneva 10

Switzerland

By fax: **+41 22 917 90 06**

What Should Be Included?

The process of submitting information is relatively straightforward and the information that activists or advocates already have can usually be turned into a submission with relatively few resources. For the majority of the Procedures the following essential information should be included:

- Information about the authors of the communication and the sources of information (which is kept confidential). This should include contact details.
- You should state whether the situation is urgent.
- The name of victim(s), age, sex, place of origin and/or residence. If the allegation concerns a large group then information should be provided about that body.
- Details about the allegation including place and date of violation. This should be kept relatively short but supporting documents / photos can be annexed to provide more information. In the case of communications about a law or policy you should provide details of how it operates and why

its impact is concerning.

- The perpetrators, including, if possible, names, titles/functions, as well as any possible motive.

- Provide any required background such as relevant legal framework etc. This is particularly important in the case of submissions concerning a general situation.

- Outline actions taken / remedy already sought at national and international level.

Which Elements of our Submission Remain Confidential?

Generally the identity of the source of information is kept confidential. If you would still prefer not to have your name or that of your organization on a submission it is possible to have other NGOs submit on your behalf.

In addition, persons submitting information can indicate if they require additional elements of their submission to remain confidential and not to be sent to the government concerned. That said, as the process is based on specific violations and individuals or groups, it can be hard for the Special Procedures to act on a situation if they are not able to transmit detailed information to the government concerned.

This means that there is a delicate balance to be struck in sensitive cases between wanting to provide enough information for the Procedures to be able to act without creating a risk that the provision of such information might lead to further persecution.

Furthermore, although the consent of victims is not a requirement for the submission of information, **it is imperative when making a submission that attention be paid to the possible impact on those named.** Consequently, NGOs should also indicate in the submission if they have the consent of the individuals or families concerned.

What Can be Expected After Submission?

Once OHCHR has received information, the staff will consider the submission to see if there is enough information, and enough credibility to the information, to send a communication. Sometimes, the OHCHR staff will make contact with the source of information to request additional details. They must also be sure that the case falls within the mandate of one or more of the Procedures. For these reasons, as well as limited resources, they are not able to act upon all information that they receive.

In addition, the communication procedure remains confidential until the issuing of the summary of communications and only the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances acknowledge submissions as a matter of course.

Given these two facts, it is one of the weaknesses of the system that it is hard to follow the exact status of any information submitted to the Special Procedures. This can be frustrating as it means that it is often unclear whether the Special Procedures have acted on the information provided. Consequently, if you wish to know the status of the Special Procedures' activity on a case, it may be necessary to send a follow-up letter or email, or to telephone and ask to speak to the desk officer supporting the relevant mandate. You should also inform OHCHR if there are any changes to the situation addressed in your submission.

What Can Be Done to Follow-Up a Communication?

Once a communication has been made and a government reply requested it may seem that the process is out of the hands of domestic groups. There are, however, a number of ways in which follow-up can be undertaken.

In the first place, it may be that if a government response is received by OHCHR they will make contact with the original source of the communication to elicit any comments and to see what more can be done. Even when no contact is made it will be possible to see any government response to the Special Procedures' communication once the summary

of communications is published and comments on this can be sent to OHCHR.

Secondly, the fact of the communication and any government response (or non-response) can be used in domestic advocacy to press the government to live up to promises it made to the Special Procedures, or to highlight misleading claims. The government could also be encouraged to respond, and its failure to do so could be publicized.

Country Visits

There are a number of ways in which sexual orientation advocates can engage with country visits to strengthen their own work and that of the Special Procedures. It is useful to refer to the OHCHR **website** to see if any visits to your country have been requested or are scheduled.

In the first place, particularly relevant Special Procedures can be encouraged to visit to draw attention to the situation in a country. This can be done by writing to the relevant expert at OHCHR and explaining why a visit would be useful. When seeking to undertake a visit the Special Procedures request an invitation from the host government and, in circumstance where such invitations are not forthcoming, national NGOs can lobby their government to issue them. The government can also be pressed to issue a so-called 'standing invitation' allowing visits by all Special Procedures.

Second, once a visit is planned, NGOs can submit information to assist with the preparation for the visit and to urge the expert to look into areas of particular concern during the visit itself. They can also contribute by publicizing the visit.

Third, during the visit NGOs can meet with the expert to answer questions and to bring concerns to his attention. These meetings can be arranged by making contact with the OHCHR desk officer coordinating the work of the mandate. Given that visits are often of limited length it is often useful to coordinate such meetings amongst domestic NGOs to make sure that as many groups as possible have the chance to share their experiences.

Lastly, once a visit has been completed, a report and recommendations will be issued by the expert. This can be used as an advocacy tool for local NGOs, who can also push for the implementation of key recommendations where the government seems reluctant.

See the contact details at the end of this guide for how to contact OHCHR.

Reporting to the Human Rights Council

During the interactive dialogue that follows the experts' oral presentation to the HRC, there is space for NGOs to make statements or to ask questions in the Council plenary. These interventions can be used to encourage the experts to look at new issues, to draw attention to areas of concern, or to ask for more detail about an aspect of their work. Being in Geneva also provides an opportunity to meet with individual mandate holders or their staff from OHCHR. In addition, experts can be lobbied to address particularly grave situations in their oral presentation, though it is the case that such interventions are a rare occurrence.

OTHER UN SUBMISSIONS

Complaints to the UN Human Rights Committee

The Human Rights Committee handles written complaints related to violations of the gender equality provisions of the International Covenant on Civil and Political Rights, (article 26). The individual complaint procedure is set out in the Optional Protocol to the ICCPR and applies only to States that have either ratified or acceded to the Protocol. The communication must be submitted by the alleged victim, or by someone assigned by the victim to act on her behalf. The Committee cannot consider a communication if “the same matter is being examined under another procedure of international investigation or settlement.”

The form for submitting a complaint to the Human Rights Committee can be downloaded at
www.unhchr.ch/html/menu6/2/annex1.pdf.

Communications with the UN Commission on the Status of Women

The Commission on the Status of Women meets twice a year and may receive communications from individuals or groups of individuals concerning discrimination against women.

No action is taken, however, on individual complaints.

Information can be sent by mail to the CSW:

Division for the Advancement of Women
Department of Economic and Social Affairs
United Nations Secretariat
2 United Nations Plaza, DC-2/12th Floor
New York, NY 10017
United States

Complaints under the Convention to End Discrimination Against Women (CEDAW)

The CEDAW Committee meets twice a year for three weeks (usually in January and June). It reviews the reports submitted by State Parties. Various guides are available which outline the process of submitting an individual complaint to the CEDAW Committee under the Optional Protocol. While the Protocol does not create new rights, it provides a new enforcement mechanism for rights that were and are to be implemented by States as of the date they ratify or accede to CEDAW.

Producing a Shadow Report

States that have ratified or acceded to a human rights treaty have an obligation to report periodically to the relevant treaty monitoring body. When reporting to the CEDAW Committee, many governments tend to paint a positive picture of the situation of women in their countries. NGOs can therefore gather documentation in order to present an independent and accurate description to the Committee. These NGO reports are often called “shadow reports.” While they focus on a State’s success or failure in improving the lives of women — and not on non-state actors — it is possible to address the government’s inability or failure to protect women from violence by non-state actors. Women’s groups often also publish shadow reports as a way to make their findings and recommendations available to a wider audience.

Shadow reports may be submitted to the Committee:

c/o Division for the Advancement of Women
Department of Economic and Social Affairs
United Nations Secretariat
2 United Nations Plaza, DC-2/12th Floor
New York, NY 10017
United States

There are guides to assist activists and to clarify the process of preparing and submitting a shadow report. See, for example:

(a) Women's Rights Advocacy Programme of International Human Rights Law Group & the Network of East-West Women, *Shadowing the States — Guidelines for Preparing Shadow Reports as Alternatives to State Reports Under International Human Rights Treaties*, July 1997;

(b) International Women's Rights Action Watch (IWRAW), *Producing Shadow Reports to CEDAW: A Procedural Guide*, 2003.

HELPFUL LINKS FOR HUMAN RIGHTS SUBMISSIONS

Fact-sheets on all the treaty bodies can be accessed at:

<http://www.ohchr.org/Documents/Publications/FactSheet30en.pdf>

Which country has ratified which treaty?

Ratification by country:

<http://indicators.ohchr.org/>

For ratification and reservations by country (more detailed):

<https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

Reports submitted by country:

For UN Office of the High Commissioner on Human Rights:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

For CEDAW:

<http://www.un.org/womenwatch/daw/cedaw/reports.htm>

Reports due by country:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En

High Commissioner on Human Rights (General):

<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

Urgent Action Desk of High Commissioner for Human Rights

By email: urgent-action@ohchr.org

By post: **Quick Response Desk**

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

8–14, avenue de la Paix
CH–1211 Geneva 10
Switzerland

CEDAW (Convention on the Elimination of All Forms of Discrimination against Women)

General:

<http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>
<http://www.un.org/womenwatch/daw/cedaw/reports.htm>

UN Special Rapporteur on the Right to Health

<http://www.ohchr.org/EN/Issues/Health/Pages/SRBio.aspx>

UN Special Rapporteur on Human Rights Defenders

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

UN Special Rapporteur on Violence Against Women

<http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>

UN Special Rapporteur on Torture

<http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>

Working Group on Arbitrary Detention

<http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx>

UNGASS

<http://www.aidsfocus.ch/en/platform-aidsfocus.ch/basics/political-declarations-to-hiv-aids/united-nations-general-assembly-special-session-on-hiv-aids-ungass>

EXAMPLE OF A CASE FORM: UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS

Name and personal circumstances of alleged victim/s. Aside from the name, profession, it is also important to note the gender, age, nationality, religion, ethnicity, sexual orientation/identity and other status which can be a cause of multiple discrimination or which can aggravate the forms of violations or abuses faced by the victim/s.

Victims can be individuals, groups or organisations. For an organisation, provide the contact details.

Type of human rights the victim is defending. In what human rights activity is the victim (person/s, organisation) engaged? Provide description.

Alleged violation/s committed against the victim.

Circumstances of the violation/s. What happened? Where? When? This can be a single violation or a series of acts. What is the current situation? What factors in the contexts or environment as outlined are relevant to the circumstances of the violation/s?

Perpetrators. As discussed under Chapter 8, those who commit the violations can be state agents; non-state actors such as paramilitary groups, members of extremist or fundamentalist groups; or private actors such as members of the community or family.

Action by authorities. Has the matter been reported to the relevant authorities? What action has been taken? Has the alleged violation been made public, e.g., sent to other human rights groups?

Link between the violation and human rights work. Why do you think the alleged violation is a response to the human rights work of the victim?

General circumstances relevant to the case. This can include background

information on the general situation of women in the country or locality, including statistical data on the status of women, legal guarantees of equality and non-discrimination in the constitution or domestic laws, international human rights conventions signed and ratified by the country, etc.

Source of the information (confidential). Who compiled the information? Who is submitting this information (can be an individual or organisation)? What other forms of evidence are available (e.g., testimonies of witnesses, forensic evidence or medical records, photographs, etc.)

Updates. If additional information becomes known (e.g., the identity of the perpetrator); or new events occurred (e.g., the victim was released from detention).

TIPS ON FILLING OUT A CASE FORM

(From Barcia, Inmaculada, *Urgent Responses for Women Human Rights Defenders at Risk: A Mapping and Preliminary Assessment*, Toronto, 2011: AWID/WHRD-IC.)

After completing the case form, it is necessary to analyse the information and establish what is missing, and identify if there is a need to gather more evidence. The more evidence available the more likely the allegation will be found credible. It is also important to verify the reliability of the sources of information and cross-check with other sources. The further the source from the victim or the incident, the less dependable the information is likely to be.

While minor inconsistencies in the details are common, major contradictions in the information should prompt further verification. A high degree of inconsistencies can affect the overall quality of the information. Analyzing the information for patterns is equally an important step in a documentation process. The rigour of the analysis can affect the nature of the allegations.

URGENT RESPONSES FOR HUMAN RIGHTS DEFENDERS

(Adapted from Barcia, Inmaculada, *Urgent Responses for Women Human Rights Defenders at Risk: A Mapping and Preliminary Assessment*, Toronto, 2011: AWID/WHRD-IC.)

1. International Pressure and Visibility

1.1 Urgent appeals

These methods are discussed in the sections above. But in summary, Urgent appeals are public statements concerning reports of actual or impending human rights violations or abuses that aim to generate a rapid and broad-based response. Generally, these appeals contain information on the acts and particular circumstances of a case such as when sex worker activists are threatened, persecuted, or detained because of their human rights work. Urgent appeals can also be issued concerning legislation that has the potential to lead to violations of defenders' rights.

Appeals specifically addressing Women Human Rights Defenders (WHRD) typically highlight the gender dimension of a violation. Some appeals tend to focus on the facts of the case and the individual accountability of the perpetrators while others emphasize contextual considerations that appear to have enabled a violation to occur—such as the legal or political context,

Usually, urgent appeals include a call to take specific actions that are detailed in the appeal. In most cases, appeals include a request to contact national authorities and their representatives through e-mail, fax or phone, and to demand that national authorities take specific action on a case.

SWAN has successfully used this approach on 3 occasions. Each time, the individual activists concerned help inform on the strategy to take and where pressure must be applied. SWAN has now build up a list of allies and made contact with the international Women's Human Rights Defenders Network such that we are able to act quickly and effectively if needed. Traditionally,

the Canadian HIV-AIDS Legal Network, which also does a great deal of international work, has helped us to ensure our appeals are accurate and contain strong information about laws and human rights law.

1 .2 Working with the United Nations Special Rapporteur on the situation of human rights defenders and other international and regional mechanisms

These methods are discussed in the above sections.

1 .3 Sponsorship programs

Sponsorship programs connect defenders with prominent public figures to provide them with protection and to raise awareness about the conditions in which defenders work.

For example, OMCT (the World Organization Against Torture) seeks out public figures willing to use their public profiles in the service of defenders. As part of this sponsorship program, prominent figures in Swiss sports, politics, business and culture are each linked with a human rights defender. Maintaining close links with the defenders in the program, OMCT may request that sponsors take concrete actions if the physical or psychological integrity of the defender is endangered. Sponsors may be asked to speak publicly and to attract media coverage about the human rights situation of their defender and their context, to write letters to relevant authorities when the defender's situation requires an urgent reaction or take part in a solidarity field mission. In the OMCT example, two missions were carried out, the first in Mexico in 2009, and the second in the Democratic Republic of Congo in 2010, both of which resulted in two short documentary films.

The sex workers' rights movement has yet to use this strategy and stigma against sex workers is an obvious barrier, but it may be an interesting one to pursue with the right contacts!

1 .4 Awards

Awards can bring public recognition and legitimacy to the work of women human rights defenders (WHRDs) and also provide protection by raising their profiles in the media. Monetary and in-kind prizes associated

with these awards can also help the WHRD to access other temporary support, such as support for relocation or legal fees. Currently, there are several awards that are given to defenders who have made a contribution to the protection and promotion of human rights and who face risks as a consequence of their work. Although not specific to WHRDs, many of these awards have been given to women.

Sex workers and sex worker groups have generally only won human rights awards linked to HIV (Human Rights Watch's Aids Action Awards, the Red Ribbon Award) and not received much recognitions from mainstream human rights awards. However, EMPOWER Thailand, a sex worker organization, won their country's National Human Rights Award. It is worth trying to nominate sex workers' rights activists for some of the following awards.

- The Martin Ennals Award for Human Rights Defenders created in 1993, provides roughly CHF 20,000 to be used toward work in the field of human rights.

- Front Line Award established in 2004 includes a EUR 10,000 donation to the work of a human rights defender as well as a EUR 5,000 personal honorarium.

- The Roger N. Baldwin Medal of Liberty was established in 1989 is presented by Human Rights First every other year and includes USD 25,000 and a trip to the United States to engage in advocacy. Since 1986, Human Rights First also presents the Human Rights Award at its annual Human Rights Dinner to an individual actively engaged in defending human rights, protecting refugees or working to stop discrimination and crimes against humanity.

- The Tulip Award was established by the Dutch Government in 2008 and provides individuals with EUR 10,000. In addition, the winner can submit a project proposal for up to EUR 100,000 in funding for his or her work as a human rights defender. The winner also has the opportunity to meet with relevant stakeholders in Europe.

- **The Yayori Award**

focuses on women activists, journalists, and artists who work at the grassroots level with socially marginalized peoples to promote a world free from war and discrimination against women. The award consists of JPY 500,000.

- <http://www.brandsaviors.com/thedigest/>

A database of human rights awards and previous winners.

1.5 Solidarity and monitoring visits

Similar in some ways to fact-finding missions carried out by international delegations, monitoring and solidarity visits to defenders are carried out by other defenders from the same region, country or from other regions. The Observatory for the Protection of Human Rights Defenders, run jointly between OMCT and FIDH (the Observatory), for example, carries out solidarity missions, the objectives of which include:

- to bring support to defenders in difficult situations;
- to help defenders carrying out their activities;
- to enable defenders to meet representatives of international and regional intergovernmental organizations as well as foreign authorities, in order to promote their lobbying actions;
- to alert the media to the situation of defenders and to the human rights situation in the country/region.

Sex worker rights' activists have not yet used these strategies to a great extent but they are worth exploring.

1.6 Trial observation

Many individual sex workers and sex worker groups already use this strategy. It consists of actively accompanying someone through their trial and witnessing the proceedings in an attempt to ensure that no abuses take place. Much like with solidarity and monitoring visits, large human rights groups have often sent lawyers or human rights experts to monitor trials. This brings a great deal more attention to the proceedings, than simply the observation of sex worker groups and is a valuable strategy to explore.

2. Resources for Local Action

Many local groups either provide or work with other human rights groups to provide the following services to activists in cases of emergency. Sex worker groups also already provide some of these services. They include:

- * Legal assistance
- * Medical assistance and psychosocial counselling
- * Stress management programs
- * Safe houses / safe shelter
- * Protective accompaniment
- * Emergency hotline

3. Support for Relocation and Other Grants

A few organizations can provide funding for emergency funds for activists in danger to temporarily relocate, to install security features at their work place or take security measures. The Emergency Action Fund has provided support to sex worker groups in Kazakhstan, for example. Some state governments have support for human rights defenders in danger as well.

The new Red Umbrella Fund is specifically designed to have emergency funds to support sex workers or sex worker activists under attack. It can also be applied to for funds for an urgent campaign to respond to a dangerous new policy or law.

Paid fellowships for human rights defenders can provide a welcome break from the stresses of organizing and a number of sex workers' rights activist have applied for these. Hana from Bliss Without Risk was granted an Ashoka Fellowship, for example.

COMMON VIOLATIONS AGAINST SEX WORKERS AND PROTECTED RIGHTS

Below, you will find a table. On one side are common human rights violations against sex workers. On the other are a list of the specific human rights in international law that may be infringed, depending on the specific circumstances and the country or region in which events took place. This table directly cites work from two sources:

1. The legal analysis of Sandra Ka Hon Chu of the Canadian HIV/AIDS Legal Network in Decker, M. et al “Human rights violations against sex workers: burden and effect on HIV”. The Lancet London, 2014.
2. Ezer, Tamar. Common Human Rights Violations Experienced By Sex Workers. The Law and Health Initiative, Open Society Foundation New York, 2009.

All citations from Tamar Ezer are indicated with an *. The rest are from Chu in Decker et. al.

VIOLATIONS BY POLICE

TYPE OF HUMAN RIGHTS INFRINGED

Physical or sexual violence by police (including sex coerced by force or by threat of arrest or violence)

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to security of person (ICCPR, Article 9; ECHR, Article 5; ACHR, Article 7; ACHPR, Article 6)
- Right to freedom from torture and cruel, inhumane and degrading treatment (ICCPR, Article 7; CAT; ECHR, Art. 3; ACHR, Article 5; ACHPR, Article 5)
- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16)
- Right to life (ICCPR, Article 6; ECHR, Article 2; ACHR, Article 4; ACHPR, Article 3)
- Right to Privacy (ICCPR, Article 17; ECHR, Article 8; ACHR, Article 11)

Arbitrary arrest and Detention

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to liberty and security of person (ICCPR, Article 9; ECHR, Art. 5; ACHR, Article 7; ACHPR, Article 6)
 - Right to freedom from torture and cruel, inhuman, and degrading treatment (ICCPR, Article 7; CAT; ECHR, Article 3; ACHR, Article 5; ACHPR, Article 5)
 - Right to a fair trial (ECHR, Article 6; ACHR, Article 8; ACHPR, Article 7)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16)
-

Police seizure of condoms or syringes

- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16; ESC, Article 11)
- Right to freedom from unlawful interference (ICCPR, Article 17)
- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to work (ICESCR, Article 6; ACHPR, Article 15) and to enjoy just and favourable conditions of work (ICESCR, Article 7; CEDAW, Article 11)

Police extortion

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to freedom from unlawful interference (ICCPR, Article 17)
- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16)

Failure to investigate when sex workers report violence

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to liberty and security of person (ICCPR, Article 9; ECHR, Art. 5; ACHR, Article 7; ACHPR, Article 6)
- Right to freedom from unlawful interference (ICCPR, Article 17)

Forced rehabilitation and detention

- Right to liberty and security of person (ICCPR, Article 9; ECHR, Art. 5; ACHR, Article 7; ACHPR, Article 6)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW,
-

Article 12; ACHPR, Article 16)

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to freedom from torture and cruel, inhuman, and degrading treatment (ICCPR, Article 7; CAT; ECHR, Article 3; ACHR, Article 5; ACHPR, Article 5)
- Right to privacy (ICCPR, Article 17; ECHR, Article 8; ACHR, Article 11)

Police Planting evidence

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to liberty and security of person (ICCPR, Article 9; ECHR, Article 5; ACHR, Article 7; ACHPR, Article 6) *

Police taking away identity documents

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to freedom from unlawful interference (ICCPR, Article 17)
- Right to freedom of movement (ICCPR, Article 12; ECHR Protocol 4, Article 2) *
- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16; ESC, Article 11)

Police threats to take away children

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to Freedom from Unlawful Interference with Privacy and Family Life (ICCPR, Article 17; ECHR, Article 8)

•Right to Family (ICCPR, Article 23; CEDAW, Article 16) *

VIOLATIONS BY GENERAL POPULATION

Homicide

- Right to life (ICCPR, Article 6; ECHR, Article 2; ACHR, Article 4; ACHPR, Article 4)
 - Right to Equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16)
-

Physical and sexual violence by non-state actors

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to security of person (ICCPR, Article 9; ECHR, Article 5; ACHR, Article 7; ACHPR, Article 6)
 - Right to freedom from torture and cruel, inhumane and degrading treatment (ICCPR, Article 7; ECHR, Art. 3; ACHR, Article 5; ACHPR, Article 5)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16)
 - Right to life (ICCPR, Article 6; ECHR, Article 2; ACHR, Article 4; ACHPR, Article 3)
 - Right to work (ICESCR, Article 6; ACHPR, Article 15) and to enjoy just and favourable conditions of work (ICESCR, Article 7; CEDAW, Article 11)
-

VIOLATIONS WITHIN HEALTH CARE

Coerced abortion

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to security of person (ICCPR, Article 9; ECHR, Article 5; ACHR, Article 7; ACHPR, Article 6)
- Right to freedom from torture and cruel, inhuman, and degrading treatment (ICCPR, Article 7; CAT; ECHR, Article 3; ACHR, Article 5; ACHPR, Article 5)
- Right to privacy (ICCPR, Article 17; ECHR, Article 8; ACHR, Article 11)
- Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16; ESC, Article 11) *

Disclosure of health status without consent

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Right to privacy (ICCPR, Article 17; ECHR, Article 8; ACHR, Article 11)
- Right to security of person (ICCPR, Article 9; ECHR, Article 5; ACHR, Article 7; ACHPR, Article 6) *

Discrimination in health care services

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW,
-

Article 12; ACHPR, Article 16; ESC, Article 11)

Denial of health care

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16; ESC, Article 11)
 - Right to life (ICCPR, Article 6; ECHR, Article 2; ACHR, Article 4; ACHPR, Article 3) *
-

Forced treatment (including forced “drug treatment”)

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to liberty and security of person (ICCPR, Article 9; ECHR, Article 5; ACHR, Article 7; ACHPR, Article 6)
 - Right to freedom from torture and cruel, inhuman, and degrading treatment (ICCPR, Article 7; CAT; ECHR, Article 3; ACHR, Article 5; ACHPR, Article 5)
 - Right to privacy (ICCPR, Article 17; ECHR, Article 8; ACHR, Article 11)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16) *
-
-

VIOLATIONS OF SOCIAL AND LABOUR RIGHTS

Denial of education to children of sex workers

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR,
-

Article 24; ACHPR, Article 3)
• Right to Education (ICESCR, Article 13;
CEDAW, Article 10) *

Denial of social welfare services

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to an Adequate Standard of Living (ICESCR, Article 11)
 - Right to Family Benefits (CEDAW, art. 13)
 - Right to Social and Medical Assistance (ESC, Article 13)
 - Right to Benefit from Social Welfare Services (ESC, Article 14) *
-

Discrimination in access to housing or shelter

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to the highest attainable standard of health (ICESCR, Article 12; CEDAW, Article 12; ACHPR, Article 16)
 - Right to life (ICCPR, Article 6; ECHR, Article 2; ACHR, Article 4; ACHPR, Article 3)
 - Right to adequate standard of living, including adequate food, clothing and housing (ICESCR, Article 11)
-

Restrictions on ability to organize

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
 - Right to Freedom of Association (ICCPR, Article 22; ECHR, Article 11) *
-

**Restrictions on ability
to communicate**

- Right to equality and non-discrimination (ICCPR, Articles 3 and 26; CEDAW, Article 2; ECHR, Article 14; ACHR, Article 24; ACHPR, Article 3)
- Freedom of Expression (ICCPR, Article 19; ECHR, Article 10) *

Here are the some of the specific enforcement mechanisms for some of the treaties cited above.

TREATY

**UNITED NATIONS ENFORCE-
MENT MECHANISMS**

International Covenant on Civil
and Political Rights (**ICCPR**)

Human Rights Committee (**HRC**)

International Covenant on
Economic, Social, and Cultural
Rights (**ICESCR**)

Committee on Economic, Social
and Cultural Rights (**CESCR**)

Convention on the Elimination
of All Forms of Discrimination
against Women (**CEDAW**)

Committee on the Elimination of
Discrimination against Women
(**CEDAW Committee**)

USEFUL CONTACTS OF HUMAN RIGHTS GROUPS

(Adapted From Barcia, Inmaculada, *Urgent Responses for Women Human Rights Defenders at Risk: A Mapping and Preliminary Assessment*, Toronto, 2011: AWID/WHRD-IC.)

Amnesty International (AI)

w: www.amnesty.org

e: amnestyis@amnesty.org

Areas of work: Defenders, death penalty, armed conflict, business and human rights, children's rights, counter-terrorism, discrimination, economic, social and cultural rights, freedom of expression, indigenous peoples, international justice, poverty, the rights of refugee, migrant and internally displaced people, sexual orientation and gender identity, and violence against women. Through its campaign to Stop Violence against Women, AI has developed and used campaign tools to highlight the profiles and cases of WHRDs.

Geographic focus: International

Languages: The website is available in English, French, Spanish, and Arabic.

Front Line DEFENDERS (FLD)

w: www.frontlinedefenders.org

e: info@frontlinedefenders.org

Areas of work: Protection of defenders at risk.

Geographic focus: International

Languages: The website is available in English, French, Spanish, Arabic, and Russian.

Human Rights First (HRF)

w: www.humanrightsfirst.org

e: DooleyB@humanrightsfirst.org

Areas of work: HRF runs a program on defenders. Other areas of work include: refugee protection, discrimination, crimes against humanity, law and security.

Geographic focus: International

The defenders program has focused so far on Colombia, Cuba, Guatemala, Egypt, Indonesia, Iran and Thailand.

Languages: The website is available in English, with some urgent actions available in Spanish and Farsi.

The International Federation for Human Rights (FIDH)

w: www.fidh.org

e: fidh@fidh.org

Areas of work: Together with the OMCT, FIDH runs a defenders program called the Observatory for the Protection of Human Rights Defenders (the Observatory). Other areas of work include: international justice, terrorism, death penalty, women's rights, forced disappearances, migrant rights and globalization and economic, social and cultural rights.

Geographic focus: International

Languages: The website is available in English, French, Spanish, Arabic, Russian, and Farsi.

Peace Brigades International (PBI)

w: www.peacebrigades.org

e: admin@peacebrigades.org

Areas of work: Protection of defenders at risk.

Geographic focus: International. PBI currently works in Colombia, Guatemala, Mexico, and Nepal.

Languages: The website is available in English and Spanish. Country Groups also maintain websites in their own languages.

Urgent Responses for Women Human Rights Defenders at Risk

The Urgent Action Fund (UAF)

w: www.urgentactionfund.org

e: urgentact@urgentactionfund.org

Areas of work: Promotion and protection of WHRDs through rapid response grant making, research, publications, advocacy and alliance building.

Geographic focus: There are three UAF sister-fund organizations. One based in Africa, one based in Latin America, and one based in the United

States.

Languages: The website is available in English.

The grant applications are available in French, Spanish, Arabic, Russian, Nepali, Bahasa, Indonesian, Haitian Creole, Turkish, Georgian, Urdu, Albanian, and Serbian.

The World Organisation Against Torture (OMCT)

w: www.omct.org

e: omct@omct.org

Areas of work: Together with the FIDH, OMCT runs a defenders program called the Observatory for the Protection of Human Rights Defenders (Observatory).

Other areas of work include: torture, economic, social and cultural rights, children's rights and violence against women.

Geographic focus: International

Languages: The website is available in English, French, and Spanish.

Women Living Under Muslim Laws (WLUML)

w: www.wluml.org

e: wluml@wluml.org

Areas of work: Promotion of women's equality and their rights in Muslim and non-Muslim contexts. WLUML provides information, support, and a collective space for women whose lives are shaped, conditioned, or governed by laws and customs said to derive from Islam.

Geographic focus: International

Languages: The website available in English, French, Arabic, Farsi, Russian, and Chinese.

ASIA

Asian Forum for Human Rights and Development (Forum Asia)

w: www.forum-asia.org

e: hrd@forum-asia.org

Areas of work: Forum Asia runs a defenders program, which includes WHRDs. Other areas of work include: social justice, sustainable human

development, participatory democracy, gender equality, peace and human security.

Geographic focus: Asia

Languages: The website is available in English.

Cover design and text layout by Marija Stanković

