



Provided by the author(s) and University of Galway in accordance with publisher policies. Please cite the published version when available.

Title	Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders
Author(s)	Lajoie, Amie
Publication Date	2018-02-16
Item record	http://hdl.handle.net/10379/7141

Downloaded 2024-04-24T23:45:38Z

Some rights reserved. For more information, please see the item record link above.



**Challenging assumptions of vulnerability: the significance
of gender in the work, lives and identities of
women human rights defenders**

A thesis submitted to the National University of Ireland, Galway in fulfilment of the
thesis requirement for the degree of Doctor of Philosophy (Ph.D.)

Amie Lajoie BA, MA

School of Political Science and Sociology
College of Arts, Social Science and Celtic Studies
National University of Ireland, Galway

Supervisor:

Professor Niamh Reilly

February 2018

Abstract

In 1998, the United Nations General Assembly adopted the Declaration on *the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*, or as it is most commonly referred to: the 1998 Declaration on Human Rights Defenders. Following a 13-year drafting process, the adoption of the Declaration was hailed as a “milestone” by the international human rights community – and practitioners have since formed an expansive network of international, regional and national NGOs and agencies that focus on providing support and protection to this group. The term “human rights defender” (HRD) encompasses those who “individually or with others, act to promote or protect human rights” (OHCHR 2004, 2).

My thesis scrutinises the experiences and identities of women in this framework, referred to as “women human rights defenders”. Conversations about “gender” and “women” in popular HRD discourses tend to slip into a common logic that represents women defenders as a “particularly vulnerable” group compared to their male counterparts. Typically, the “vulnerability” alluded to is embedded in essentialised ideas about women’s bodies as inherently susceptible to gender-based forms of violence. This thesis builds on feminist critique of static gender norms and stereotypes and of gender bias in the wider international human rights project. Specifically, I investigate the significance of “being a woman” in the HRD framework, paying careful attention to the voices and insights of women defenders themselves. I focus on how narrow ascriptions of a “women human rights defender” as a “vulnerable female subject” relate to women’s self-perceptions and experiences in the HRD paradigm. Ultimately, I argue that the ways in which women defenders experience vulnerability differ from popular understandings of female vulnerability. In particular, the thesis reveals how the masculine ideal promulgated in HRD discourses operates to limit the types of subject positions available to women in the framework and to reinforce the routine marginalisation of women’s identities and experiences in this space. Based on interviews with 11 women defenders, the thesis reveals how women human rights defenders assert their identity and challenge the gender biases of the paradigm.

Table of Contents

Declaration	vi
Acknowledgements.....	vii
Part I: Introduction	1
Chapter 1	1
1.1 Research Overview.....	1
1.2 Motivations for research.....	3
1.3 Central research objectives and questions.....	5
1.4 Introducing methodology.....	7
1.5 Feminist critiques of human rights	9
1.6 The masculine bias of HRD discourses	13
1.7 Thesis outline	15
Part II: Setting the Context	19
Chapter 2	21
2.1 Genealogy of the human rights defender paradigm	21
2.2 Early definitions of “human rights defenders”	21
2.3 Drafting the 1998 Declaration on Human Rights Defenders	29
2.4 After 1998: The UN Special Rapporteur	53
2.5 Conclusion.....	56
Chapter 3	59
3.1 Women’s human rights discourses and the development of the women human rights defender paradigm	59
3.2 Defining women’s rights through feminist praxis.....	60
3.3 Developing a “gender-stream” of the HRD framework.....	71
3.4 Women’s human rights and WHRDs.....	86
3.5 Conclusion.....	93
Part III: Literature Review and Methodology	96
Chapter 4	98
4.1 Theorising women, gender and identity in the human rights defender paradigm	98
4.2 Gender performativity	99
4.3 Forms of vulnerability in human rights discourse	101
4.4 Re-thinking vulnerability as a discursive space for resistance.....	104
4.5 Conclusion.....	112
Chapter 5	116
5.1 Researching women human rights defenders, a discussion of methods	116
5.2 Post-structuralism meets feminist standpoint	118
5.3 Fieldwork plan	120

5.4 Processing the transcripts	139
5.5 Conclusion	141
Part IV: Findings and Analysis	143
Chapter 6	151
6.1 Disruptions of the public-private divide.....	151
6.2 Interactions with the state.....	152
6.3 Interactions with civil society	157
6.4 Interactions with the community/family	162
6.5 Conclusion	169
Chapter 7	173
7.1 Gendered subjectivities in the human rights defender paradigm.....	173
7.2 The performing subject.....	174
7.3 The universal human subject.....	179
7.4 The socially-embedded subject	185
7.5 Conclusion	193
Part V: Thesis Conclusion	198
Chapter 8	198
8.1 The significance of gender in the lives and activism of women human rights defenders.....	198
8.2 Women’s identities and experiences in the HRD paradigm.....	200
8.3 Moving forward: implications for human rights defenders.....	205
Bibliography.....	209
UN Documents.....	222
Appendices	228
Appendix A: Individual Country Contexts of Project Participants	228
Appendix B: Regional mechanisms for Human Rights Defenders.....	240
Appendix C: Timeline Major Events in Progression of Human Rights Defender Framework: 1982 – 2015.....	245
Appendix D: The reports of UN Special Rapporteur on the situation of human rights defenders.....	248
Appendix E: Approval from NUIG Research Ethics Committee	253
Appendix F: One-on-one Interview Guide (Human Rights Defenders).....	254
Appendix G: Dates of Interviews and Fieldwork Timeline	256
Appendix H: Questionnaire for Human Rights Defenders	259
Appendix I: Project Information Sheets and Consent Forms (Human Rights Defenders and Human Rights Experts).....	262
Appendix J: Abridged Research Protocol	267

Declaration

I, Amie Lajoie, certify that this work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any other degree.

This work is the result of my independent work and investigation, except where otherwise stated. Other sources are acknowledged giving explicit references.

Signed: (Candidate)

Date: 14 February 2018

Acknowledgements

This thesis would not have been possible without the contributions of the 11 inspiring and resilient women activists who graciously agreed to be interviewed for this project. I want to begin by thanking each of them for taking the time to speak with me, and to share their perspectives and experiences. This project is dedicated to them.

I would also like to express my sincerest gratitude to Professor Niamh Reilly for her unwavering and invaluable support throughout this PhD project. Niamh is a wonderful and dedicated supervisor, and I will always be grateful for the immense knowledge, patience, and motivation she offered throughout the last four (plus) years.

In addition, I would like to sincerely thank the members of my graduate research committee: Dr. Su-Ming Khoo, Professor Caroline McGregor and Dr. Eilís Ward, for their insightful comments and advice during GRC meetings.

I also would like to thank my friends and family in Ireland, the USA, UK and beyond – and in particular my colleagues and fellow feminists in the Hardiman Research Building – all of whom provided invaluable inspiration, occasional (and much-needed) distraction and positive reinforcement throughout the PhD.

And last, but certainly not least, I would like to express my heartfelt appreciation and thanks to my parents Jennifer and David. Thank you both for your continuous love, encouragement, support and generosity throughout my journey to become a “doctor without patients”.

Part I: Introduction

Chapter 1

1.1 Research Overview

This thesis explores the gendered dimensions of the “human rights defender” paradigm, an evolving framework within the international human rights project that is concerned with the contributions of individuals and groups in the field of human rights advocacy. In 1998, the United Nations General Assembly adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*, commonly referred to as the *Declaration on Human Rights Defenders*. This document marked a significant shift in international human rights law, focusing on the particular role of individuals in the realisation of human rights’ principles. Since 1998, a community of practitioners (both external and internal to the United Nations) have developed an extensive framework of national, regional and international mechanisms to offer practical means of support and protection to this group, named “human rights defenders” (HRDs). Rhetoric from the United Nations defines “human rights defenders” broadly as those who “individually or with others, act to promote or protect human rights” (OHCHR 2004, 2). In recent years, the use of the term “human rights defenders” has moved beyond the discursive practices of those immersed uniquely in the global human rights system – for instance the term can be found frequently in the headlines of articles featured in popular news outlets such as *The Guardian*, *The New York Times* and *The Huffington Post*¹. In this thesis I focus on the location of women in this framework, and the evolution of the concept of “women human rights defenders” (WHRDs).

Since 1998, the United Nations Office of the High Commissioner for Human Rights (OHCHR) has published several documents that provide further clarification about the meaning of the term “human rights defender” and raise awareness of the provisions

¹ Since 2014 several high profile cases of individual “HRDs” have received attention from the international press: such as the death and extrajudicial killing of prominent Honduran environmental rights activist, Bertha Cáceres, in March 2016; the arbitrary arrest and death of Chinese activist Cao Shunli in March 2014; and the arrest and detention of Bahraini activist Nabeel Rajab in Autumn 2016. For more information see *International News Articles on HRDs* in the Bibliography.

included in the Declaration on Human Rights Defenders. According to the OHCHR, “human rights defenders are identified above all by *what they do...*” (OHCHR 2004, 1) (my emphasis). The Declaration on HRDs reinforces rights previously enshrined in other international and regional human rights instruments and applies them specifically to “human rights defenders”. These rights include: “the right to be protected”, “the right to freedom of assembly”, “the right to freedom of association”, “the right to access and communicate with international bodies”, “the right to freedom of opinion and expression”, “the right to protest”, “the right to develop and discuss new human rights ideas”, “the right to an effective remedy”, and “the right to access funding” (OHCHR 2011, 3-4). In addition, according to the OHCHR, human rights defenders “conduct peaceful activities” (OHCHR 2004, 19) and “whether or not they are legally correct is not relevant in determining whether they are genuine human rights defenders” (OHCHR 2004, 9). No specific training is required to be a human rights defender. The act of promoting and protecting human rights can be an aspect of a paid occupation, such as that of journalists, lawyers, judges, activists, police officers, medical personnel, politicians and teachers. Human rights defenders may also be un-paid volunteers, interns or students. HRDs must recognise the universality of all human rights, and maintain “a commitment to international human rights standards, a belief in equality and in non-discrimination, determination and, in many instances, *tremendous courage*” (OHCHR 2004, 8) (my emphasis). In HRD discourses, human rights defenders are presented as agents of change in their communities – advocating for rights on behalf of others.

Informed by a post-structuralist ontology as well as feminist and critical gender theories focused on identity, this project scrutinises the space that is available for women in the human rights defender framework, in particular, the perception that women are a “vulnerable” (OHCHR 2004; 2017c; Barcia 2011; 2014; Real and Chai 2006) subset of human rights defenders. Human rights defenders are generally described to be “at risk” as a result of their “peaceful” and “courageous” activities promoting and protecting human rights. According to traditional HRD narratives, human rights defenders are “at risk” because they principally contest the power of the state. Associations of “vulnerability” predominately enter into discourses concerning human rights defenders when these discussions focus on women and “gender”, and commonly describe women as vulnerable especially in terms of their susceptibility to sexual violence. According to proponents of the HRD framework, women human rights defenders “face additional vulnerabilities” (The Coalition 2017) and “endure types of

attacks *traditionally perpetrated* against women - such as rape, sexualised defamation campaigns, and acid-attacks” (Front Line Defenders 2016) (my emphasis). “Female human rights defenders are subject to *particular risks* to which their male counterparts are not so greatly exposed, *foremost among these being the risk of rape, sexual abuse, and other forms of sexual violence and harassment*” (HRC 2010, 16-17) (my emphasis). Such perceptions are consistent with the discursive practices of the broader international human rights project, wherein women are widely viewed as a “vulnerable group”. In this thesis I examine how these prevailing understandings of “gender” and “vulnerability” underpin human rights norms and interact to shape the experiences and possibilities for subjectivity available to women who occupy the (women) human rights defender identity. This analysis is informed by the questionnaires, one-on-one interviews and group discussion that I carried out in Autumn 2015 with 11 women who self-identify as human rights defenders.

In this chapter, I present my initial engagement with the “human rights defender” concept, and the rationale behind this project. In addition, I introduce the central research questions and objectives as well as the primary methods used to carry out the research. I also discuss the relevant academic debates that underpin my inquiry into this framework. To conclude this chapter I present a comprehensive outline of the thesis.

1.2 Motivations for research

I was first introduced to the concept of a “human rights defender” in 2011, while completing a MA in Human Rights at the Centre for Applied Human Rights (CAHR) at the University of York, UK. The MA programme offers an applied curriculum in order to provide students with the legal knowledge and practical skills necessary to work in the field of international human rights. Part of the course included the opportunity to engage with individual “human rights defenders” residing in York as part of the CAHR’s fellowship scheme. With this scheme, the CAHR hosts “human rights defenders at risk”, lawyers, journalists and activists from all over the world who stay in York for a period of several months. During my time in York, the visiting fellows interacted regularly with students, and my peers and I heard stories of everyday struggles to promote human rights in countries such as Burma, Russia, Sudan, Egypt and Mexico. In addition, the MA also featured a module entitled “Defending Human Rights”. In this module I studied the concept of a human rights defender through an academic lens, and the international

and regional mechanisms of support and protection for this group. The module also included a two-week fieldwork trip to Cape Town, South Africa. In Cape Town I worked with two other postgraduate students to create a manual for housing activists in the city, and outlined the “right to adequate housing” as enshrined in international and South African law. As part of the trip we met with local housing activists who guided us through the city’s townships and informal settlements as we carried out interviews with residents concerning their living conditions.

During this initial engagement with activists and individuals who self-identified as “human rights defenders”, I made several observations that influenced my desire to pursue a PhD on this topic. The first was that while each of the eight individual HRDs who were in York while I was a student were men, the majority of the housing activists I had interacted with in Cape Town were women. Despite meeting the necessary “criteria”, these women did not identify as “human rights defenders”. The discrepancy bothered me. I chose to write my final MA thesis on “women human rights defenders”, a piece of research that served to ground a future PhD proposal. In addition, when writing my MA thesis I was discouraged from looking “too closely” at feminist theory. I began to comprehend the tension between interpretations of “human rights” and feminist perspectives. This understanding intensified upon the completion of my MA, when I moved to Dublin to work for the international human rights NGO Front Line Defenders. Front Line Defenders works to support, protect and empower human rights defenders all over the world, and my responsibilities included facilitating training and “rest and respite” programmes for individual HRDs visiting Ireland. It was during my time at Front Line Defenders that I took notice of the inconsistencies in how women and women’s experiences were discussed by the organisation and the HRD framework – in particular the use of language to describe female HRDs almost singularly as a “particularly vulnerable” subset of HRDs (Front Line Defenders 2017).

I also observed extraordinary resilience and conviction among the women I met and spoke with both in Cape Town, as part of research for my MA thesis and during my work with Front Line Defenders. I was motivated to pursue a PhD through this engagement. I had difficulty reconciling the prevailing narrative of “vulnerability” and the actions and attitudes of the women with whom I had engaged and found so strong and inspiring. I wanted to know if the “human rights defender” label was useful to those women who claim it, and how the international community can better support these women in their work. I therefore began this research invested in the human rights defender paradigm as I found it. At the time I accepted the idea of HRDs uncritically, as

righteous “agents of change” and “heroes for democracy”. However, through the PhD process I uncovered the assumptions and biases in the framework per se (particularly concerning operations of “gender”) while simultaneously confronting my own assumptions and biases as an activist and a former employee of an NGO invested in this space. While I remain committed to the emancipatory potential of human rights principles and the necessity of supporting grassroots activism and social change, I have become more critical of the HRD framework as such and the binary thinking embedded in discourses on human rights defenders. This thesis explains my intellectual and political journey from unquestioning supporter to constructive critic.

1.3 Central research objectives and questions

To structure my inquiry, I first set out the primary objectives of the research – what I aimed to do with this project and what I hoped to learn about women and the operation of “gender” in the human rights defender paradigm. These objectives are as follows:

- To critically examine the human rights defender paradigm through a gendered, historical and political lens in order to reveal the sites of contested meanings within it.
- To present a layered exploration of how women human rights defenders attempt to position themselves as subjects, and are positioned by, human rights defender discourse.
- To illuminate and interrogate the notions of vulnerability as promulgated in wider human rights discourse and the implications for women human rights defenders.

In order to meet these objectives, I pose the following research questions:

- (1) How is gender significant in the lives and activism of women human rights defenders?

My project entails a thorough evaluation of the ways in which “being a woman” is significant to the self-perception and identities of individual women in the HRD framework. By investigating how gender is “significant” for women in the field, whether as a barrier, as a positive resource, as an emancipatory identity, as a risk factor, as a source of vulnerability, and so on, I aim to properly analyse how the concept “women

human rights defender” is constructed and works with wider gender norms and social structures.

My secondary research questions further expand upon the interrelation of gender identity and human rights defender identity, in order to explore the designation of a “women human rights defender” and to map the complexity of gender norms involved in claiming it. My secondary research questions ask:

- (2) What are the experiences and perceptions of women human rights defenders concerning the gendered norms and social expectations of their communities?
- (3) How do women human rights defenders themselves identify their function in the existing social structures and institutions within which they live and work?

With these questions I aimed to explore the nature of the engagement of the international community with the concept of “women human rights defender” as a tool for advocacy, and specifically whether or not this term is a source of empowerment for women’s work “on the ground”, and in what ways. The “gender-specific” aspect of the HRD framework prioritises “gender-specific risks” women face in their work as HRDs. As such, language and discussion related to women is centred on gender (or more specifically female gender) as a point of vulnerability or weakness for human rights activism. Reflecting this, mainstream international human rights discourse views women human rights defenders as the “particularly vulnerable” category of HRDs. Through my research I wanted to question this current, narrow discourse. Instead, I sought to investigate and make visible the complex role of gender in the work of promoting and protecting human rights as experienced by women in this framework themselves.

As I discuss throughout this thesis, the “official” understanding of the term women human rights defender (WHRD) has evolved to encompass both women who are human rights defenders as well as those (of any gender) who defend women’s rights and the rights of sexual minorities. For the purposes of this research, I adopted what I felt to be the most common use of WHRD in practice – I focused specifically on those individuals who self-identify as women and as women human rights defenders and/or human rights defenders; I did not research other individuals who may also fall under the WHRD label. In this thesis, for practical purposes and to avoid confusion I chose to use “female human rights defender”, “women human rights defender” and “women defender” interchangeably.

1.4 Introducing methodology

This thesis draws particularly on concepts in critical gender and feminist studies. My inquiry into the HRD framework uses qualitative feminist methods and feminist epistemology which privileges the woman as a valued “situated” knower. According to Uma Narayan, “our location in the world as women makes it possible for us to perceive and understand different aspects of both the world and human activities in ways that challenge the male bias of existing perspectives” (Narayan 2013, 370). Feminists “create rich new meanings” by putting “women’s lives and those of other marginalised groups at the centre of social inquiry” (Hesse-Biber 2007, 3).

This project borrows from both feminist post-structuralism and feminist standpoint theory. Feminist standpoint refers to a way of understanding reality and producing knowledge by drawing on women’s *own* interpretations of their *own* lives. Proponents of feminist standpoint argue that an understanding of women’s perspectives in research is necessary in order to “truly” investigate the way wider systems of oppression work in society. Feminist standpoint theory was conceptualised in the 1980s by feminist thinkers including Nancy Hartsock (1983; 2004), Alison Jagger (1983), Dorothy Smith (2004), Sandra Harding (1991; 2004), Donna Haraway (2004) and many others². They argued that researching from the “standpoint” of women provides unique insights into the operations of hegemonic gendered power, and that there is much to be gained epistemologically from attending to experiences from a position of social subordination. My commitment to these ideas contributed to the decision to exclusively focus on the perspectives of *women* who self-identify as HRDs.

Along with feminist standpoint theory, I identified post-structuralist perspectives as the best fit for my particular inquiry into the gendered meanings in the HRD framework. Post-structuralism rejects certain core liberal philosophies, including the idea of the subject as a “stable, coherent self” that is rational, self-determining and able to gain “an objective, reliable, and universal foundation for knowledge” (Flax 1987, 624). In these discourses “reason” has “transcendental and universal qualities” (Flax 1987, 624) and is independent of history and location. Language is an objective form of communication and “represents the real world that our rational minds observe” (Tong 2016, 194). In contrast, post-structuralist thinkers foster a “deep scepticism toward assumed truths and taken-for-granted knowledges, because they are generated

² For more on feminist standpoint theory, please see *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies* edited by Sandra Harding (2004).

through language” (Gannon and Davis 2007, 75). They question claims to “objectivity” and “universality” as emerging from particular hegemonic perspectives and bias. Integral to post-structuralism is the task of “resituating the human subject not as the central heroic and active agent but as the subject who is constituted through particular discourses” (Gannon and Davis 2007, 80). I return to this discussion in Chapter 5.

Reflecting this epistemological positioning, I deployed a mixed-methods approach in order to meet the primary objectives of this project. The following methods were used:

- (1) a discourse analysis of reports from the United Nations.
- (2) a qualitative data collection with women human rights defenders.
- (3) a discourse analysis of interview transcripts.

The first primary method I used to carry out the objectives of this thesis was a systematic analysis of documentation from the United Nations. Using the United Nations online database (ODS)³, I accessed two sets of annual reports from the UN General Assembly, the UN Commission for Human Rights (for those documents published before 2006) as well as the Human Rights Council. With these reports, I endeavoured to illuminate the various gendered, historical and political dimensions of the HRD framework from its inception. This method is presented in detail in Chapters 2 and 3 of this thesis.

In addition, I engaged directly with women who self-identified as human rights defenders. I conducted interviews, questionnaires and a focus group with 11 women defenders. To process the empirical data gathered, I focused on those methods that are consistent with my project’s epistemological positionings and commitment to discursive practice as a producer of knowledge and power. I chose to carry out a transparent, evidence-based discourse analysis of the interview transcripts and looked at several possible approaches within social science research. I was particularly drawn to the work of Ruth Wodak (Wodak 2014; Reisigl and Wodak 2009; Fairclough and Wodak 1997). I present a further and more detailed discussion of these methods in Chapter 5.

³ UN ODS (online document system) database located at:
<https://documents.un.org/prod/ods.nsf/home.xsp>

1.5 Feminist critiques of human rights

Understanding of the wider international human rights project is integral to researching “human rights defenders”. The development of “human rights” as a legal framework blossomed in the second half of the 20th century, commencing with the establishment of the United Nations Charter in 1945 and the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. In asserting that “all human beings are born free and equal in dignity and rights”⁴ the UDHR provided the foundation upon which human rights developed as a normative system. In 1966, the UN adopted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The division of rights into two primary political “camps” (civil and political versus economic, social and cultural)⁵ reflected the deep ideological tensions between Western and Eastern states during the Cold War. Along with the UDHR these documents comprise what is referred to as the “International Bill of Rights”, and define the content and scope of the individual “rights” primarily considered “human rights” under international law (Bantekas and Oette 2013).

Since the adoption of the UDHR, the ideological and political underpinnings of human rights principles have been widely debated in both academia and practice. According to Kate Nash, academic scholarship is particularly attracted to the “inherently indeterminate and contestable nature of human rights” (Nash 2015, 6) leading to many interdisciplinary interpretations. This thesis builds in particular upon well-established critiques of the international human rights project from the feminist canon. Feminist criticisms “entail contestation of multiple axes of meaning that perpetuate the exclusions of dominant human rights discourses” (Reilly 2011, 63), and in so doing challenge the “claim” of these discourses “to objectivity and rationality” (Charlesworth and Chinkin 2000, 60).

In her book *Violence against women under international human rights law* (2011), Alice Edwards outlines four intersecting critiques of public international law (human rights law in particular) as problematised by feminist scholarship. The first draws attention to how women and women’s experiences have traditionally been “excluded” from

⁴ Universal Declaration for Human Rights, Article 1 reads: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”.

⁵ Examples of civil and political rights: the right to life, the right to peaceful assembly, the right to free speech, the right to a fair trial and freedom from arbitrary arrest and/or torture. Examples of economic, social and cultural rights: the right to education, right to housing, right to adequate standard of living and the right to health (UDHR, ICCPR, ICESCR).

established human rights discourses and legal mechanisms. Feminist critique has revealed the ways women are under-represented in international forums, as well as how “women-specific” treaties have traditionally been under-resourced and undervalued as sources of law (Edwards 2011; Charlesworth and Chinkin 2000). The second addresses how the human rights project primarily concerns “men’s rights”, prioritising “the realities of men’s lives while it ignores or marginalises those of women” (Edwards 2011, 51). The contestation and re-evaluation of the principle of “universality” that underpins human rights discourses is integral to this critique. Feminists have challenged “universalism” as the “veiled representation and projection of a masculine which takes itself as the unquestioned norm” (Grosz 1994, 103). Feminists have revealed how men are in fact the “universal subjects” under international (human rights) law, while women are framed as a “deviation” from this universal standard (Edwards 2011). Women are not actually included in “universal representations of humanity” and it further is in contrast to the “specificities” of women’s experiences “that the privileged figure of the masculine universal is defined” (Otto 2005, 123-124).

Thirdly, according to Edwards, feminists have problematised the way international human rights law reinforces a liberal public-private dichotomy that both “privileges the public/male over the private/female and is manifest in the theory of state responsibility for human rights abuses” (Edwards 2011, 37). Traditional political theory, according to Susan Moller Okin, refers to “the public” as “a sphere or spheres regarded as more generally or justifiably accessible” (Okin 1998, 117). Feminist critique exposes the type of subject permitted in these “accessible” spaces as masculine, and the ways in which constructions of male public subject positions are reliant on constructions of the female subject as relegated to the domestic (private) realm.

The public-private divide is reinforced in mainstream interpretations of human rights; rights violations that take place in the “private sphere” are not traditionally addressed in human rights discourse as they are viewed as outside of the realm of state accountability. This exposes one of the major gendered-dimensions of normative human rights: “international law operates in a public, male world” wherein the “functions of the state are still identified with men, while at the same time the state depends on the work of the ‘private’ sphere to sustain its operations” (Charlesworth and Chinkin 2000, 56). In this project I argue that the subject position championed by the human rights defender paradigm is fundamentally coded as “public”, and as such warrants a similar deconstruction.

In addition, the idea of individual “human rights” is rooted in a liberal, Kantian philosophy that understands individuals as having “certain ‘natural’ (or human) rights that cannot be overridden by the ‘positive’ laws of states” (Reilly 2009, 24). This thinking permeates established rights discourses, and prioritises states as unarguably the “most important organisations for the enjoyment of human rights” (Nash 2015, 41). Focusing primarily on public life and interactions with the state, the international human rights project emphasises the protection of individuals from the abuse of arbitrary power of states, and as such has been much criticised for leaving unscrutinised other forms of abuse (such as domestic/intimate partner violence, etc.).

The state-centric nature of the human rights project has been commented on extensively. According to Niamh Reilly, the “sovereignty principle” within human rights law produces an idea of “the state as the ultimate source of legal and political authority” and as a “unitary autonomous actor that is the best judge of its own affairs” (Reilly 2011, 63). Within the UN, the state is viewed as both the primary enforcer of human rights commitments within its own borders as well as a sovereign actor with an equal seat at the table in international spaces. At the same time, reflecting the inherent internationalism of the human rights project, each “sovereign state” is able to comment on the human rights records of other states. Tension arises in a state’s dislike of criticism directed at it. Emerging from a post-World War II context, the UN framework was constructed to best accommodate the “Great Powers” at the time. This is particularly seen in the establishment of permanent members of the United Nations Security Council: the United States, the United Kingdom, France, Russia and China (Nash 2015). In the development of the UN system, Western countries, in particular the United States, hold “exceptional influence over human rights” as compared to other states (Nash 2015, 70). Western hierarchy in combination with principles of state sovereignty leads to “an understanding of human rights as only relevant in ‘other’ (non-Western) places” (Reilly 2011, 63). As I discuss in this thesis, this thinking is evident in the HRD paradigm, a framework that is ultimately championed at the international level by certain (Western) states and NGOs in order to counter the activities of (non-Western) state viewed as rights offending. As such the paradigm uses international human rights law selectively to identify an individual whose heightened status as a “human rights defender” is a way to contest the sovereignty of a “shamed state”. I argue that this has strong gendered implications for women in the HRD framework, and I return to this point in the following chapter.

The fourth critique according to Edwards concerns how human rights law “reinforces a collective female identity” and as such “assumes that women share a common experience” (Edwards 2011, 74). In her discussion, Edwards poses this critique of human rights discourses, as well as some feminist interventions in this space. These discourses leave unquestioned the differences amongst women – based on race, nationality, socio-economic status and so on. In addition, the “essential woman” in established human rights law is routinely defined as “weak” and “helpless”, in need of “protection” and “liberation” from men. This is demonstrated in a “heavy focus on rape and sexual violence” in international discourses, as women are portrayed as “victims of culturally deprived or ‘primitive’ or ‘backward’ harms” (Edwards 2011, 75). This thinking poses “culture” as a direct threat to the realisation of universal human rights. According to Sally Engle Merry, “while there is no doubt that cultural demands for women’s subordination have been made in the name of nationalism or religious fundamentalism”, established human rights law “locates the source of oppression for women largely in the domain of beliefs and values” (Merry 2003, 14). Feminists have disputed the narrow, one-dimensional and binary interpretations of “local/cultural” versus “international/universal” spaces (Reilly 2011; Levitt and Merry 2009), and have problematised how these discourses reveal a “distorted” image of women’s lived experiences (Edwards 2011, 28).

In rooting my thesis in these critiques, I recognise the shortcomings of the human rights project in terms of addressing the lived experiences of women. However, I agree with many feminist scholars in the “transformative potential” of human rights, and the need to “reinterpret” and “reclaim” human rights from previously marginalised positions (Reilly 2011). According to Edwards, “rarely is feminist theory or human rights law...concerned with women as human rights defenders or political activists” (Edwards 2011, 85). My thesis serves to address this exclusion, exploring the ways gender is significant for women who self-identity as “defenders” of human rights. I use tenets and insights of feminist theory to approach my inquiry into this framework, as a window through which to understand how gender “operates” in discourses on human rights defenders. As noted, the HRD paradigm is far from impervious to the critiques levelled against the mainstream interpretations of established human rights by feminist scholarship. In this thesis, I use a similar feminist lens to explore what is happening in naming individuals as “human rights defenders”. In particular, I seek to expose and challenge the masculine subject at the heart of mainstream defender discourses and the gender-based exclusion it produces.

1.6 The masculine bias of HRD discourses

Since its inception, the human rights defender framework has privileged the experiences and perspectives of men. Practically, “women” comprise only 20 percent of “human rights defenders” who have received support from the United Nations’ special mechanism for human rights defenders since 2000⁶ (HRC 2008; 2017). Discursively, the paradigm reinscribes conventional hegemonic and liberal articulations of “human rights” that feminists have debunked as coded masculine. The HRD framework is championed by certain (predominately Western) states, the United Nations and international and regional human rights NGOs. According to the framework, “the State is the primary perpetrator of violations against human rights defenders” (OHCHR 2004, 14). The framework promotes the work of individuals, and in so doing criticises the activities of domestic regimes, and does not engage with state actors directly. In these discussions the state is presented as a unitary and monolithic actor. As such, discourses on HRDs are primarily concerned with the activities of the “public” sphere, and re-establish a rigid public-private binary that eschews associations of the “private”. According to the OHCHR, “gathering and disseminating information, advocacy and the mobilization of public opinion are often the most common tools used by human rights defenders in their work” (OHCHR 2004, 5). These “tools” reveal how HRDs are uncritically understood as leaders who “mobilise” others. The vast majority of “HRDs” who are named as such by the framework work on issues pertaining to civil and political rights, such as lawyers, journalists and media professionals (HRC 2010).

Along these same lines, “to be a human rights defender, *a person* can act to address any human right (or rights) *on behalf of* individuals or groups” (OHCHR 2004, 2) (my emphasis). The idea of HRDs as acting “on behalf of” others also implies movement into the public space. In addition, the paradigm is largely preoccupied with *individuals* and rarely names organisations or groups as “defenders” (HRC 2014). These individuals are “personally” targeted by states in their activities (OHCHR 2004). As a result of their “peaceful” work challenging the state, “human rights defenders are heroes. They should be celebrated and protected” (Amnesty International 2017b). According to the US Department of State, “because human rights defenders seek to *hold their governments accountable* to protect universally recognized human rights, defenders are often harassed, detained, interrogated, imprisoned, tortured, and even killed for doing their work” (US Department of State 2017). This is reiterated by the Council of Europe’s

⁶ I provide an overview of the UN special mechanism for human rights defenders in Chapter 2.

Commissioner on Human Rights: “human rights defenders play a central role in *making state policies human rights compliant and authorities accountable...*” (Council of Europe 2017). Interpretations of “human rights defenders” as individual “heroes” fighting to “hold their governments accountable” are commonplace in HRD discourses.

According to the discourse, the most significant rights that affect HRDs are “the right to freedom of assembly”, “the right to freedom of association” and “the right to freedom of opinion and expression” (HRC 2014; 2017; OHCHR 2011, 3-4). As such, the framework bolsters civil and political rights, a discursive effect of the privileging the public sphere, and does not challenge structural power relations in terms of economic, social and cultural rights. Those states that incline to support conflation of “human rights” to “civil and political” rights tend to support neo-liberal and *laissez-faire* economic policies and the defunding of the welfare state (Reilly 2009). Grassroots women’s advocates in the 1990s mobilised to challenge the blindness of the human rights project to such policies that unarguably “create tremendous economic hardship for women as a group” (Bunch and Reilly 1994, 64). By reinscribing traditional, narrow perceptions of “rights”, proponents of the HRD framework counter the radical expansions of “rights” proposed by feminists and other groups (Reilly 2011).

In November 2011, at an event hosted by Front Line Defenders, Ireland’s former Tánaiste and Minister for Foreign Affairs and Trade, Eamon Gilmore, made a speech to an audience of human rights defenders in Dublin Castle. Here, I highlight lines from this speech to illustrate the rhetoric commonly used by representatives of western states (as well as the United Nations) that champion the HRD framework.

I know that gathered here today are men and women of real determination. Some of you have put your lives on the line for what you believe in. You represent a combination of practical idealism and courage which is an inspiration - both in your own countries but also internationally...

You all come from remarkably different backgrounds, political systems and face different issues. What binds you together as a collective is your tireless work to seek to vindicate the rights of others and your dedication to championing human rights. I am proud to welcome you to Ireland on behalf of the Irish people...

You will all go forward from here today and return to your work. You all do so with the help and support of Ireland and of Front Line. Ireland

recognises the work that you do and the challenges that you face, in your darkest hours Front Line can give you advice and support... You will speak on behalf of the weak, the vulnerable, and the disenfranchised and, while at times you will be alone and isolated, I assure you that your work will be known and appreciated... (Gilmore 2011)

Gilmore's statements reveal how proponents of the HRD framework understand their efforts assisting "human rights defenders at risk" to be principled and honourable. Proponents of the HRD framework are there "in the darkest hours" to "support" human rights defenders in need. Defenders themselves are "courageous" individuals who put their "lives on the line". They work to "vindicate the rights of others" while "championing human rights" and speaking "*on behalf of the weak, of the vulnerable, and the disenfranchised*" (my emphasis). Yet, the political exercise of supporting human rights defenders is only salient when they are fighting for human rights in "other" places. While certain states rhetorically uphold the concept of a HRD, they only support those HRDs who work outside their own borders. This is also seen in the rhetoric of the US State Department and the Council of Europe. Gilmore presents Ireland as a beacon of assistance to these courageous and determined persons, without any consideration of the "tireless work" to promote human rights within its own borders⁷. This strongly resonates with the Makau Matua's critique of the "idiom of human rights" as an "elusive, yet lofty idealism [that] is almost biblical in its forbidding language" (Matua 2008, 25). Revering and hyperbolic rhetoric is commonly used to describe human rights defenders and their activities. For example, human rights defenders are "the lifeblood that our democracies need in order to flourish and survive over time" (HRC 2017a, 3) and "individuals motivated by their hope for a better world" (HRC 2017a, 15). I continue to expand upon these points throughout this thesis.

1.7 Thesis outline

In the two chapters of Part II *Setting the Context* I set out the meta-political terrain out of which the human rights defender framework emerged. In Chapter 2, I trace the textual and factual genealogy of the human rights defender framework. I explore the significant documents, dates and events (primarily from the United Nations) in the

⁷ Ireland's human rights record has been scrutinised extensively by international and regional human rights bodies. In March 2011, a coalition of 17 Irish NGOs, trade unions and civil society groups submitted a report entitled: "Your Rights, Right Now" to the UN's Human Rights Council for Ireland's Universal Periodic Review. The report fully details the situation of human rights in the country. For more, see: <http://www.rightsnow.ie/>

construction of the framework since the 1980s. The substantive discussion in this chapter concerns the drafting process of the 1998 Declaration on Human Rights Defenders. By discussing the political context through which the HRD paradigm was created, I expose the HRD framework as a masculine space, and how the meta-ideological discourses that constitute it have had lasting implications on the framework's implementation. In Chapter 3, I discuss the emergence of the identity of a "women human rights defender" and its interaction with the international campaign to recognise "women's rights as human rights". Here, I highlight the key historical moments of feminist intervention in the international human rights project, and draw on the particular successes of the women's human rights movement of the 1990s. Carrying on from the discussion in Chapter 2, this chapter introduces the emergence of the "gender stream" of the HRD framework after the 1998 Declaration, and traces the ways in which "women" and women's experiences have been discussed in popular discourses concerning HRDs. I focus in particular on those aspects of the agenda of women's human rights (academic/institutional) that are permitted in discourses on women human rights defenders, and what aspects are omitted.

In Part III, *Literature Review and Methodology*, two chapters introduce the feminist epistemological theories that underpin this research project. Chapter 4 presents the key concepts that animated my data collection phase and informed my approach to gathering, processing and interpreting the data gathered from women who self-identified as part of the HRD framework. Judith Butler's notion of performativity is a key part of this project's ontological understanding of "gender" and gendered subjectivity as fragmented, fluid and in-process. In this chapter I also assess the associations of vulnerability that underpin the human rights project and the HRD framework. I focus in particular on the equation of "to be vulnerable" as "to be susceptible to harm". In this chapter I propose re-thinking vulnerability potentially as a discursive space of resistance to essentialist notions of vulnerability. I explore relevant gender and feminist theories of identity, including female masculinity (Jack Halberstam) and mimicry (Luce Irigaray), which break with binary understandings of vulnerability and agency. These theories provide useful windows through which to view what is happening when women, traditionally coded as vulnerable subjects in the HRD framework, attempt to occupy the human rights defender space as "agentic heroes" who advocate for rights "on behalf of" others.

In Chapter 5, I outline how I set about answering my research questions and the epistemology that informed this process. As discussed previously in this Chapter, my

project borrows from both feminist post-structuralism and standpoint feminism. In so doing, I privilege women's voices and narratives from a post-structuralist perspective. This is on the understanding that what they say is not interpreted as "truth" but as contributing to a more complete, and in this sense of a more "true", account of the human rights paradigm. A post-structuralist ontology also questions the default assumption that agency and empowerment are the opposite of vulnerability and can only be realised by individual "autonomous agents" and "rational actors". The choice to interview a selection of individuals who self-identify as women and as human rights defenders reflects my feminist standpoint positioning, which affirms the perspectives of subjects traditionally on the margins. Finally, this chapter includes a detailed account of my field work journey and interaction with research participants in Autumn 2015. Here, I outline the central objectives of the data collection and the reflective research practice I used. In particular, this project affirms the post-structuralist conception of the constitutive role of discourse. To operationalise this epistemological insight, I used a transparent, evidence-based discourse analysis to reveal the discursive manoeuvres "at work" in the voices of the women I interviewed.

In Part IV, *Findings and Analysis* I present my core findings thematically in two chapters, as revealed through my analysis of the responses of the 11 participants. By attending closely to the words and language of interviewees, these two chapters make visible the complexity and multiplicity of available subject positions within the human rights defender paradigm and the ways the women I spoke with navigated notions of ascribed female vulnerability. I begin this section by providing an overview of the main tenets of the narrative or the storyline of the "human rights defender", and set out the substantive analytical framework I deployed to process my interview transcripts. In Chapter 6 I discuss how HRD discourses order public and private spaces by (re)inscribing a "public" subject position that leaves the gender biases of the "private" intact. The responses of the interviewees expose what this dichotomy means for women in the paradigm, and how women negotiate and disrupt connotations of the public-private binary that obstruct their activities. Chapter 7 discusses the complexities of claiming the name of "woman human rights defender" and/or "human rights defender" as a woman. It focuses specifically at the ways gender is performed in this space and the discursive logic women inhabit or deploy to assert themselves as defender subjects.

Finally, in Part V, *Conclusion*, I present an overview of the main features and findings of this research project, and offer some recommendations regarding the HRD framework based on the arguments and insights presented in this thesis.

Part II: Setting the Context

In the following two chapters I interrogate the historical, political and gendered dimensions of the human rights defender paradigm. In Chapter 2, I trace the meta-political terrain and development of key texts of the human rights defender framework. I focus on the documents and main events (primarily in the UN context) that have advanced understanding of the “human rights defender” subject and identity in international human rights discourse. In particular, this chapter looks at the main points of contestation in the construction of the framework prior to the adoption of the UN General Assembly Declaration on Human Rights Defenders⁸ in 1998. It also highlights the main milestones of progression of the framework since 1998, and draws attention to the specific mechanism intended to support “human rights defenders” within the United Nations. The human rights defender (HRD) framework is a global network of activists, organisations and governments working to promote and protect local human rights actors. International non-governmental organisations⁹ (NGOs) are a major source of support and protection¹⁰ to those local individuals and groups named/or claiming the name “human rights defenders” in practice (Barcia 2011). The ballooning of NGO activity in the 2000s supporting HRDs was a direct result of the adoption of the 1998 Declaration.

Recognising that the concept of a “human rights defender” was initially given expression in the form of international “soft law”, I present a close textual analysis or “genealogy” of its development specifically in Chapter 2 in order to reveal the macro political ideologies and the positions of state actors that shaped the parameters of the paradigm. It is important to note that since 1998 the terms “human rights defenders” and “women human rights defenders” can be found throughout the international human rights project – such as the general comments and recommendations of UN treaty monitoring bodies such as the Committee for the Elimination of all forms of Discrimination Against Women (CEDAW 2017) and the Human Rights Committee

⁸ UN Doc: A/RES/53/144, full title: *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*

⁹ NGOs that campaign and provide support for “human rights defenders at risk”: Front Line Defenders, Human Rights First, the Urgent Action Fund, Asian Forum for Human Rights and Development, Civil Rights Defenders, the East and Horn of Africa Human Rights Defenders Project, the International Federation for Human Rights (FIDH), Amnesty International, Human Rights Watch and Association for Women’s Rights in Development.

¹⁰ Methods of support include: solidarity and monitoring visits, trial observations, temporary relocation, awards and fellowships, grants and relief programmes, medical assistance and counselling services, legal assistance and urgent appeals (Barcia 2011).

(ICCPR 2011). However, while legal precedence and the UN treaty framework are very significant in the international human rights system, this was not a primary focus of this thesis.

As the members of a Working Group for the 1998 Declaration on HRDs were deliberating on how to legally define a “human rights defender”, the women’s human rights movement was working to bring an understanding of “women’s rights” from the margins to the centre of human rights discourse. These two streams of discursive practice emerged simultaneously against the backdrop of the post-Cold War era and increasing globalisation; a period also marked by the emergence of new, active transnational social networks such as the global women’s movement (Moghadan 2005). In Chapter 3, I discuss how the identity of “women human rights defender” intersects with the new women’s human rights agenda. This chapter introduces the main elements of historical feminist interventions in mainstream human rights, in particular through international conferences focused on women’s human rights agendas and supporting recognition of violence against women as a violation of human rights. It is well-documented that the women’s human rights movement during this time exposed and disrupted the male-biased, Western-centric and legalistic limitations of the human rights project, by transforming the language of rights and opening spaces for women previously on the margins of the mainstream human rights system to engage directly within human rights discourse (Bunch 2001; Hodgson 2011; Reilly 2009; 2011; Friedman 1995). These engagements also encouraged the emergence of the “gender stream” of the human rights defender framework after the 1998 Declaration, and the recognition of “women human rights defenders” in mainstream defender discourse.

In drawing attention to the political context through which the (women) human rights defender paradigm was created, these chapters shed light on the types of subject positions privileged in human rights defender discourses, and foreground how some subjects flourish and others are side-lined in the “naming” of individuals as HRDs. These ideological and political underpinnings of the human rights defender paradigm have had lasting implications for the ways in which women engage with and seek a place within the human rights defender framework.

Chapter 2

2.1 Genealogy of the human rights defender paradigm

The legal definition of a “human rights defender” in international human rights discourse comes from the 1998 *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms* (henceforth the 1998 Declaration or the Declaration on Human Rights Defenders). This document took nearly 15 years to draft. The task fell to an open-ended Working Group within the principal human rights body of the United Nations, the UN Commission on Human Rights. In this chapter I explore the story of the 1998 Declaration and how “human rights defenders” became a recognised group under international human rights law. I trace the evolution of the human rights defender (HRD) paradigm including its ideological, political, and historical dimension and key moments as well as the progression of the framework since 1998.

The structure of my genealogy of the HRD framework is three-tiered. First, I provide a brief introduction to the politics and workings of the UN Commission on Human Rights and an overview of the role of NGOs in the campaign for an international mechanism to recognise so-called human rights defenders and their activities. Second, I unpack the drafting of the 1998 Declaration itself, through extensive analysis of the political and ideological contestations within the Working Group tasked with articulating the Declaration’s content and meaning. Third, I introduce the UN Special Rapporteur on the situation of human rights defenders, the “special procedure” within the UN that has significantly contributed to the progression of the HRD framework since 1998. This section also explores how international discourses have defined the identity of a “human rights defender” in practice.

2.2 Early definitions of “human rights defenders”

The international human rights normative framework, like other areas of international law, is primarily preoccupied with the activities of states (Charlesworth and Chinkin 2000; Bantekas and Oette 2013; Nash 2015). In this system, states have the primary responsibility to uphold and promote rights, and individuals can, in turn, claim rights by the virtue of being a member of the human race. Human rights defender discourses

challenge the boundary of this norm by giving an individual “responsibility” under international law and recognising the individual as able to challenge the state for violating or failing to respect, protect and fulfil rights on the ground. The task of defining a “human rights defender” in international legal practice was an arduous one, hindered by bureaucratic practices of the United Nations as well as philosophical debates about the meaning of “human rights”. I begin this account with a look at the first human rights mechanism within the United Nations framework, the UN Commission on Human Rights, the body in which the 1998 Declaration originates.

The UN Commission on Human Rights

The United Nations Commission on Human Rights (henceforth the Commission) was a functional institution within the wider UN organisation. The Commission served as the central human rights body of the UN until it was replaced in 2006 by the United Nations Human Rights Council. Established in 1946 by the UN Economic and Social Council (henceforth ECOSOC) the Commission was charged with the promotion of the principles set forth in the 1948 UN Declaration of Human Rights, and their local implementation. Many UN delegates envisioned that the Commission’s members would serve as neutral independent experts, or human rights “jurists” free from state influence (Tolley 1983). However, in practice, the Commission was heavily influenced by international politics rather than operating as an independent human rights monitoring institution. According to Lebovic and Voeten, “in the early years, the role of the commission was circumscribed and its proceedings were choreographed to protect state prerogatives” (Lebovic and Voeten 2006, 863). ECOSOC elected 18 delegates to serve on the Commission in 1946 (Tolley 1983). At the time, governments in the UN viewed the discussion of human rights as one “for states alone” (Posner and Whittome 1993, 269). Further, the body effectively had no authority to formally address cases of human rights abuses perpetrated by individual states. According to the 1946 ECOSOC decision: “the Commission has no power to take any action in regard to any complaints regarding human rights” (Gutter 2006, 42). As will be discussed, this decision stood until 1967 (Lebovic and Voeten 2006; Joseph and Kyriakakis 2010). Despite a later push from NGOs and some states to expand the authority of the Commission, the long-standing perception of the Commission’s ineffectiveness was a chief reason it was dissolved and replaced in 2006.

In its first 30 years, the Commission acted largely as a “quasi-judicial inquiry in a decision-making process that serve both political interests and legal ideals” (Tolley 1983, 1). During this time the Commission passed broad resolutions articulating and developing human rights principles, but did not specifically address or name incidences concerning violations of those principles (Joseph and Kyriakakis 2010; Wheeler 1999; Korey 1998). After the process of mass decolonisation in the 1950s, a surge of newly established African and Asian countries joined the United Nations which led to increased membership in the Commission. According to Joseph and Kyriakakis, these new states “agitated for measures” (Joseph and Kyriakakis 2010, 7) and procedures to directly hold states accountable for human rights violations, specifically concerning racial discrimination.

In 1967, with resolution 1967/1235, ECOSOC requested the Commission to consider the question of violations of human rights and fundamental freedoms in all countries, specifically apartheid regimes. With the “1235 procedure”, aptly named after the 1235 decision, the Commission gained powers to report situations of gross or persistent human rights violations, targeting colonial strongholds and apartheid regimes in South Africa and Israel in particular (Joseph and Kyriakakis 2010; Lebovic and Voeten 2006; Korey 1998). In the late 1970s “the door was gradually opened to public debate and resolutions on human rights violations in a number of different states, including Afghanistan, Argentina, Kampuchea (hereinafter Cambodia), El Salvador, Bolivia and Guatemala” (Wheeler 1999, 77).

The “1235 procedure” also gave the Commission power to investigate and call attention to rights abuses of specific states on two fronts. The first was enabling public debate during the Commission’s annual session. During this debate, individual actors (from NGOs or other states) were given the opportunity to draw attention to cases of human rights violations perpetrated by agents of a particular state. Under this procedure, for example, Mercedes Hortensia Bussi Soto de Allende, the wife of the deposed former President of Chile Salvador Allende, gave a “highly emotional” speech to the Commission in 1974 during which she condemned the violent regime of General Augusto Pinochet (Korey 1998, 141; Wiseberg and Scoble 1977, 303). The second front concerned the possible appointment of a “special procedure”, an individual expert (or group of individual experts) “with a mandate to investigate and report on the human rights situation in a specific country following on from matters raised during the public debate” (Joseph and Kyriakakis 2010, 7-8). The special procedure includes (1) country-

specific mandates, investigating the human rights situation of a specific country; or (2) thematic mandates, less “controversial” procedures investigating general areas of human rights abuse taking place all over the world (Joseph and Kyriakakis 2010). Examples of thematic mandates include the Working Group on Enforced or Involuntary Disappearances (established in 1980) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (established in 1982) (OHCHR 2017b). These special procedures continue to be a vital part of the UN human rights machinery, referred to as “Special Rapporteurs”, “Special Representatives”, “Working Groups”, and “Independent Experts”. I discuss these procedures in more detail later in this chapter.

In the 1980s, the expanded powers of the Commission reflected a changing global political climate which resulted in an increase in human rights activity within the United Nations as compared to the prior decade. This included the establishment of new special procedures (such as those cited above), as well as the adoption of major international human rights treaties such as *the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment* (CAT) in 1984 and *the UN Convention on the Rights of the Child* (CRC) in 1989 (Joseph and Kyriakakis 2010). The shift in the Commission, as well as the growing influence of international NGOs, presented an opportunity for proponents of the “human rights defender” identity. During this time the first attempts to recognise those individuals who would eventually become “human rights defenders” emerged in formal discourse.

Within international human rights project, “states are at the same time the violators and the guarantors of human rights” (Nash 2015, 41). International legal mechanisms recognise states as having the primary responsibility to uphold and protect human rights for their constituencies, while paradoxically states (or agents of the state) are also historically viewed as the primary perpetrators of rights abuses within their own borders. The emergence of the concept of a human rights defender is directly linked to an understanding of the importance of non-state actors in the daily struggles to promote and protect human rights. International, regional and domestic NGOs are characteristically connected to this dimension. The positive influence of NGOs on the Commission’s shift in perspective and activities in the early 1980s is well-documented (Posner and Whittome 1993; Gaer 1995). Human rights NGOs working at the UN (predominately based in Western countries) were integral to the early debates concerning human rights defenders. In the following section I shift focus to the role of

these organisations and *the NGO context* in which the human rights defender paradigm emerged.

The NGO context

Since the inception of the UN, NGOs have played an integral role in the field of international human rights promotion and advocacy. Without the work of NGOs, the concept of “human rights” would not have the same significance in international policy circles. According to William Korey,

Today, the issue of human rights is the focus of endless discussion...Those who have played a decisive role in transforming the phrase from but a Charter provision or a Declaration article into a critical element of foreign policy discussions in and out of governmental and intergovernmental circles are the NGOs. They have simply revolutionised the language of international relations. (Korey 1998, 3)

Peter J. Spiro supports Korey’s view, “since the end of the Cold War and the dawn of globalization, no analysis of international relations can credibly bracket the role of NGOs...Across issue areas, NGOs exercise influence on international processes” (Spiro 2010, 115). Felice D. Gaer¹¹ maintains that “human rights NGOs are the engine for virtually every advance by the United Nations in the field of human rights since its founding” (Gaer 1995, 389). The collapse of the Soviet Union and the end of apartheid in South Africa has been attributed to the work and practice of NGOs (Gaer 1995; Korey 1998). From the early establishment of primary UN organs, NGOs have had the opportunity to gain “consultative status” within ECOSOC and its subsidiary bodies, including the Commission, in order to contribute to the activities of the body and potentially influence policy. There are a number of criteria for NGOs to meet in order to gain this status; and in particular NGOs must (in almost all cases) be internationally based, and have organisational objectives that are consistent with the UN Charter (Bantekas and Oette 2013). As such, NGOs, and human rights NGOs in particular, have contributed to the work of special mechanisms within the UN, as well as the drafting processes of international human rights treaties and conventions. However, NGO involvement within the UN has often been criticised and at times prevented by states,

¹¹ Felice D. Gaer is an American human rights activist, former independent expert on the UN Committee against Torture and longstanding member and the former chair of the United States Commission on International Religious Freedom.

therefore forcing NGOs to come up with alternative strategies and techniques for advocacy.

In the 1950s and 1960s, new former colonial states in Africa and Asia were wary of international NGOs within the UN system, and perceived them ideologically as an extension of the western (and former colonial) states in which they were based (Korey 1998). Ideological friction dominated the Commission in the 1970s and 1980s, as human rights NGOs from the West attacked “Soviet bloc states and Third World countries for their closed or authoritarian political systems” (Mutua 2008, 33). Any public condemnation of a state’s human rights activities by an NGO left that organisation open to confrontation by those criticized states, and the looming threat of having their consultative status revoked. Several major NGOs therefore concentrated their efforts on influencing the policy of individual governments outside of the UN, and strengthening bottom-up approaches to human rights implementation (Korey 1998; Gaer 1995). The contentious relationship between NGOs and the intergovernmental subsidiary bodies of the United Nations is on-going, and inherent to the operation of the UN human rights machinery and the purpose and fact-finding nature of NGOs. UN special mechanisms are heavily reliant on the seemingly independent research provided by NGOs in the monitoring and reporting of local/national human rights situations. At the same time member states often clash with NGOs and object to any public critique of its human rights record (Bantekas and Oette 2013; Gaer 1995).

While attempting to advocate both within and external to the UN system, some human rights NGOs have adopted a more “public” advocacy approach of “naming and shaming” the actions of individual states. This on-going “global publicity tactic” involves the collaborative efforts of NGOs and news media outlets to publicise a country’s human rights violations in order to “urge reform” (Hafner-Burton 2008). One of the first instances of this strategy was the founding of the NGO Amnesty International (AI), its 1961 letter-writing “prisoners of conscience” campaign (Amnesty International 2017a). This also marked a shift of Western advocacy efforts to a new focus on individuals within “oppressive” state regimes, rather than on general rights abuses. Rather, the campaign targeted individual states that were viewed as abusing the rights of political dissidents (Clark 2010). The activists in these campaigns worked in areas related to civil and political rights, those rights that generally limit the powers of states in respect to individual autonomy, as well as allowing for individuals to participate in all forms of the government and public life (Bantekas and Oette 2013). Following the success of the

campaign, AI launched a project focused on protection for grassroots activists in 1974 (Clark 2010). In a noted expansion of the “prisoners of conscience” initiative, Amnesty also commenced the first ever “urgent action network”; a resource for local human rights activists facing imminent risk of “being tortured” (Clark 2010, 48). While the term “human rights defender” was not used in Amnesty’s networks at the onset, it would become part of the organisation’s official rhetoric in the 1990s. However, the effectiveness and necessity of the “urgent action network” for human rights activists led to a surge in the number of such initiatives, with over 24 operating networks by 1990 (Wiseberg 1991). While “prisoners of conscience” predominately addressed individuals within their local/national contexts, the later “human rights defender” concept would seek to valorise activists via “international” recognition.

In addition, the International League for Human Rights (The League)¹² implemented a “Human Rights Defenders Project” in 1982. The Project campaigned for the release of individuals who were incarcerated or exiled by state authorities as a result of their work in human rights monitoring and reporting in local contexts. Similar to AI, The League targeted states directly in their advocacy efforts, demonstrating solidarity with individual human rights defenders (Korey 1998). The League issued and widely circulated a report outlining the repressive actions of state officials in 12 countries towards individual “human rights defenders”. The Project demonstrated one of the first ever occurrences of an organisation seeking to raise international awareness of a state’s role in violating the rights of a named “human rights defender”. In 1987 Human Rights Watch launched a report on *The Persecution of Human Rights Monitors, December 1986 to December 1987: A Worldwide Survey*, focusing on individual “human rights monitors”, with the same objectives as the League. In academia, *The Human Rights Internet Reporter*, a legal journal from the University of Harvard Law School, discussed the annual situation of “Defenders” from 1985-1990, outlining the details of specific cases involving the persecution of human rights lawyers from around the world (Korey 1998; Wiseberg 1991). The term “human rights defender” began to permeate human rights discourse.

These new NGO-led initiatives corresponded directly with a shift to more state-shaming advocacy tactics within the Commission itself. Several human rights NGOs, including Amnesty International and the League, as well as the International

¹² An international human rights NGO based in the United States. For more information on the League’s activities see: Wiseberg and Scoble (1977) and Korey (1998).

Commission of Jurists (ICJ), became more vocal in the Commission on raising awareness of rights violations committed by individual states. This would lead to the appeal for a legal mechanism to recognise the non-state actors working to promote and protect human rights on the ground in those states that are rights offending: so-called human rights defenders.

Calling for a Declaration on Human Rights Defenders

In 1980 the Commission first raised the question of the possibility of including specific provisions for individuals, groups and organs of society under international human rights law (Gutter 2006). In its 1982 report to the Economic and Social Council (ECOSOC), the Commission presented a resolution calling for a further investigation into whether the role of individual actors could in fact be included in human rights provisions under international law. It requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities¹³ to prepare a report containing principles on “the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms” (UNCHR 1982). Earlier that year, Erica-Irene A. Daes, the Special Rapporteur of the Sub-Commission, had completed a study entitled, *The Individual's duties to the community and the limitations on human rights and freedoms under Article 29 of the Universal Declaration of Human Rights*. In this report, Daes supported the emerging trend in international human rights practice of highlighting the position of non-state actors. According to Daes,

The positivist formula that States are subjects and individuals are objects of international law does not correspond any longer to the present state of affairs. In reality, therefore, an international law of wider scope is necessary to correspond to important new needs. (Daes 1982, 43)

Based on her 1982 report and her prior experience in this area, the Commission tasked Daes with the preparation of a draft body of principles on the subject to be submitted in 1984. Upon acceptance of Daes's draft body of principles, the Commission issued decision 1985/112, authorising the creation of an open-ended Working Group on a *Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental*

¹³ The *Sub-Commission on Prevention of Discrimination and Protection of Minorities*, formed by an ECOSOC decision in 1947, was renamed the Sub-Commission on the Promotion and Protection of Human Rights in 1999. It served as “a ‘think tank’ composed of 26 human rights experts serving in their individual capacities” (Joseph and Kyriakakis 2010, 7).

Freedoms. With decision 1985/152, ECOSOC approved the Commission's resolution, and the Working Group first met in 1986.

While a "soft law" instrument, such as a Declaration, is "not a source of law in its own right" (Bantekas and Oette 2013, 65) it still serves as an important source of human rights. There are hierarchies within soft law mechanisms which usually act as "building blocks" to firmer legal provisions, such as treaties or conventions. While not legally binding on member states, a declaration ideally serves as a "formal and solemn instrument, suitable for rare occasions when principles of great and lasting importance are being enunciated" and implying "maximum compliance" of its provisions by UN member states (Daes 1982, 49). This is in contrast to formal resolutions, which are less valuable in terms of human rights currency. Adopting a declaration, therefore, is a much more complex and intricate process; in the case of the Declaration on Human Rights Defenders, the final text had to be approved on four different levels of UN decision making bodies: the Working Group, the Commission, ECOSOC and finally the General Assembly.

2.3 Drafting the 1998 Declaration on Human Rights Defenders

On 2 April 1998, in the United Nations headquarters building of the Palais des Nations in Geneva, Jan Helgesen from Norway, the Chairman-Rapporteur for the Commission's Working Group on a *Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms* (henceforth the Working Group), presented the Group's Annual Report to the Commission. The Report included a completed final draft of the Declaration. In his remarks to the Commission Helgesen stated that it is indeed "gratifying" (UNCHR 1998b) that the Working Group achieved consensus and subsequent acceptance of this final draft. The draft marked the conclusion of thirteen years of Working Group meetings, formal and informal debates and extensive annual reports, with the six previous sessions held under the leadership of Helgesen himself as Chairman-Rapporteur. On 10 December 1998, the United Nations General Assembly (UNGA) adopted the 2,500-word document, marking the official recognition of the identity of "human rights defender" within international human rights law. In his comments shortly following Helgesen's presentation, the El Salvadorian delegate to the Commission, Castro Grande, articulated the importance of the Declaration as a

“collective expression of the will of the international community” (UNCHR 1998b, 3) to recognise and support the work of human rights activists worldwide.

However, the 1998 Declaration does not appear to offer any ground-breaking revelations concerning the subject of human rights defenders – in fact, the term “human rights defender” is not found in the text at all. Nor is there much indication of the actual role and activities of individuals and groups working toward the realisation of human rights in local environments. While celebrating the Declaration as a significant achievement and “a milestone” (UNCHR 1998a, 12), activists, NGOs and states acknowledged the fundamental limitations of the document; on its own the Declaration would not be a sufficient or effective tool for HRDs on the ground.

In the following discussion I trace the political and ideological struggles surrounding efforts to define the role of human rights defenders in the extensive drafting process of the 1998 Declaration. The open-ended Working Group held thirteen sessions from 1986 to 1998. Following each year’s session, the Group presented a comprehensive report to the Commission for consideration, outlining the debates and discussions that had taken place. The sessions lasted from one to two weeks with rotating membership. A specific informal drafting group prepared texts for comment and critique from the wider Working Group membership, which was open to all delegates from the Commission. The Working Group also included representatives from other UN member and observing states as well as international NGOs. This account of the 1998 Declaration draws extensively from the Working Group reports.

It is important to note the dynamic global political climate from 1986 to 1998, including the fall of the Soviet Union, which brought about significant changes in the inner workings of the United Nations, including the Working Group. In my analysis I discern four key historical phases within this time period that affected the international human rights community and the drafting of the Declaration:

1. 1986 – 1988: highly polarised political climate of the Cold War.
2. 1989 – 1990: end of the Cold War and the collapse of the USSR.
3. 1991 – 1993: immediate aftermath of the Cold War and a period of strong momentum towards the implementation of human rights principles, which culminated in several world conferences including the second World Conference on Human Rights in Vienna in 1993 (first since Tehran, 1968).
4. 1994 – 1998: the largely pro-global human rights era of the mid to late 1990s.

Understanding the changing political landscape of the 1980s – 1990s helps to contextualise the construction of the human rights defender paradigm as a product of the international relations within which it was formed.

Drafting a Declaration: the perspectives of the objectors

Throughout the drafting process of the 1998 Declaration, there was considerable resistance to the construction of the HRD paradigm. This resistance is indicative of broader ideological and political contestations at work in the human rights project. These points of contestation prolonged the drafting process to over 13 years. For example it took seven years of Working Group sessions to compose a document a first draft of the Declaration, with large portions of text sectioned off into brackets and contingent upon further discussion (UNCHR 1993). In the following discussion, through a comprehensive analysis of the Working Group reports, I highlight sets of three arguments of “objector states” as they interacted and conflicted with “pro-defender states”: the first concerns the state-centric nature of the human rights system, rooted in the principle of state sovereignty and the imperatives expressed by some states to safeguard their domestic affairs from the external meddling of the international community; the second is the challenge of claims to universality within the human rights project, and how these debates interact with ideas of state sovereignty, indivisibility and culture; and the third is the conflict between “individual rights” and “individual duties”. While not an exhaustive list, these three sets of arguments were constantly present throughout the 13 years of Working Group meetings.

To inform this discussion, in the following table I introduce the most “vocal” objector states according to the Working Group reports, that is, those states most active in challenging proposals made by pro-defender states concerning the scope and provisions of the Declaration. I also note the primary pro-defender states and NGOs that attended and participated in Working Group meetings:

Key objector states:	<p>From 1986 – 1998: Cuba* and China Until 1991: The USSR, Byelorussian SSR, Czechoslovakia, German Democratic Republic, Senegal From 1992 – 1998: Syrian Arab Republic, Libyan Arab Jamahiriya, Egypt</p> <p>*unarguably, from 1994 onwards Cuba was the strongest</p>
----------------------	---

	and most vocal “objector” to the drafting process, stalling the progress of the Group on a number of occasions.
Key pro-defender states (and NGOs):	USA, United Kingdom, Canada, Belgium, Australia*, Austria, Norway*, the Netherlands, Sweden, France NGO Observers (most cited in the reports from 1986 – 1998): Amnesty International, International Commission of Jurists (ICJ) *Countries of the three chairpersons of the Working Group, Robert H. Robertson (Australia) from 1986 – 1989; Ronald A. Walker (Australia) from 1990 – 1992; Jan Helgesen (Norway) from 1993 – 1998.

Non-interference in domestic affairs

It would be dangerous to adopt an approach which set the individual and the various elements of society against the State which remains, except in some regimes as apartheid, the guarantee of justice, legality and national unity. (UNCHR 1986, 7)

Delegate from Algeria, 1986 Working Group meeting

The principle of “state sovereignty”¹⁴ is enshrined in the Charter of the United Nations (1945). The tenets of “state sovereignty” are two-fold: first, the state, as a sovereign entity, interacts on an equal footing with other states in an international setting; and second, the state has final and absolute control over its domestic affairs (Charlesworth and Chinkin 2000). In the drafting of the 1998 Declaration, both of these tenets of state sovereignty were present. The first was seen in the 1990s, when state delegates from China and Cuba, although representing a minority viewpoint within the Working Group, continually objected to the Declaration despite repeated protests of supporter states. In addition, objector states (including China and Cuba) continually emphasised the importance of the Declaration to not “interfere” in a state’s affairs, in particular by arguing for the hierarchical importance of domestic over international law. Debates concerning “state sovereignty” were particularly evident from 1986 – 89 during the

¹⁴ Article 2(7) of the UN Charter states “Nothing contained in the present Charter shall authorize the United Nations to **intervene in matters which are essentially within the domestic jurisdiction** of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.” (my emphasis)

final years of the Cold War, with objections led during this time by Byelorussian SSR, German Democratic Republic, Algeria, Bulgaria and the USSR (UNCHR 1986; 1987; 1989).

From the first meeting in 1986, all Working Group delegates agreed that the prime responsibility for upholding or realising human rights falls to states. There was a fear amongst some delegates that protecting the rights of so-called “human rights defenders” would be at the expense of “the rights and duties of states” (UNCHR 1986, 6). This is demonstrated in statements made by the delegate from the German Democratic Republic, “the question of the individual must be seen in the context of principles such as the sovereign equality of states and non-interference in their internal affairs” (UNCHR 1986, 5). The delegate from Bulgaria also echoed these fears, and stated that:

[The Declaration] should not encroach upon the principles of sovereignty of States, for only States, as subjects of international law, could protect human rights...the working group should avoid giving individuals rights to agitate against their legitimate governments, for in normal circumstances individuals seeking to protect and restore human rights should act in accordance of the relevant legislation of the State. (UNCHR 1986, 12)

Issues around compliance with a country’s “relevant” domestic legislation were raised by objector states throughout the Working Group meetings. In the 1989 Working Group report, the delegate from Czechoslovakia proposed an additional text to the Declaration that stated:

*Everyone, as well as in associations and groups, **including international non-government organisations**...have the responsibility to **strictly comply** with national legislation and respect the principles of international law. (UNCHR 1989, 12)(my emphasis)*

The distinction between *strictly complying* with national law and *respecting principles of international law* was reiterated in similar phrasing by other delegates in 1989 from the USSR, German Democratic Republic, and the Ukrainian Socialist Republic (UNCHR 1989).

An underlying distrust of NGOs is also present in Czechoslovakia’s statements. Contentions between the most active NGOs in the Working Group meeting and the objector states were commonplace throughout the Working Group’s deliberations. In

1986 the delegate from Byelorussian SSR raised a “procedural question” and “insisted that non-governmental organisations may only deliver declarations in the Commission in Working Groups but not submit any official proposals on the matter of questions under consideration” (UNCHR 1986, 11). This statement was not responded to within the 1986 Working Group’s report. However, throughout the drafting process NGOs often raised questions and did contribute draft text for the Working Group’s review. For example, in 1986, a number of NGOs made official statements¹⁵ and the International League of Human Rights submitted a Working Paper for the Group’s consideration (UNCHR 1986).

In response to the challenges posed by objector states, pro-defender delegates such as Canada argued that the “the draft should support the greatest possible rights and freedoms for the individual” (UNCHR 1986, 9). Along the same lines, the Australian delegate stated that “the right to promote and protect must be the primary focus of the declaration and that it should cover the protection of human rights activists” (UNCHR 1986, 6). Pro-defender delegates also objected to draft proposals by objector states that they deemed to be contrary to the objectives of the Declaration. For example in 1987 the delegate from the Netherlands “expressed inability to accept” (UNCHR 1987, 9) the following two provisions outlined by the delegate from the USSR:

It is necessary to refrain from using or distorting human rights questions as a means of interference in the internal affairs of states, exercising pressure on them or creating an atmosphere of mistrust within or between states...

Matters relating to human rights shall be considered within the context of the various societies within which they arise. (UNCHR 1987, 13)

Observers from NGOs were also vocal against the arguments concerning “interference in the internal affairs of states”. The observer from the International Commission of Jurists (ICJ) argued that “it was the duty of States under international instruments to allow human rights activist to function” (UNCHR 1986, 6). In the same vein, the delegate from Amnesty International stated that “the need was for greater protection of the specific rights which make possible to work of human rights defenders...which, in practice, were not respected by many Governments” (UNCHR 1986, 6).

¹⁵ These NGOs included: Baha’i International Community, Four Directions Council, the International Commission of Jurists and the International League for Human Rights (UNCHR 1986).

Throughout the drafting process, the pro-defender NGO delegates maintained that in order to recognise human rights defenders and their work, human rights activities should not be necessarily bound by the tenets of domestic legislation. The physical nature of the work of human rights defenders may not always be limited to local contexts, and delegates from Amnesty International and the ICJ in particular expressed concern that any prioritisation of domestic law could be used to restrict human rights defenders' activities. In 1994, the observer from the ICJ stated that "some of the activities of human rights defenders could be conducted outside domestic jurisdiction, like, for example, their participation in the work of the Working Group" (UNCHR 1994, 36). It is important to note that pro-defender *states* did not support the necessity of such stipulations within the final text. This was seen in particular in 1994 when delegates from the United Kingdom and Sweden, in response to the ICJ's statements, advocated for the text to rather maintain the "delicate compromise" and "sensitive balance" (UNCHR 1994, 37) in terms of its current provisions. As such the text in 1994 was not altered as the NGOs recommended.

The issue of "domestic law" was again prominent from 1994 – 1997. This was a particularly frustrating time for many pro-defender delegates who had generally believed the final draft was near completion. In 1994, when commenting on a first working draft of the Declaration, the delegation from China consistently challenged the document for language that implied a prioritisation of international over domestic law. The delegate insisted on adding a sentence to the draft that read: "all activities referred to in this declaration for the promotion, protection and effective realization of those rights and freedoms should be governed by such domestic law and regulation" (UNCHR 1994, 34 – 35). This was supported by the delegation from Cuba. The Chinese delegate also argued, in terms of state "commitments" in the draft text, that while "some international commitments could have an impact on domestic law", the language of the document should be altered to replace the phrase: "commitments of the State" with "commitments *applicable to* the State" (UNCHR 1994, 36) (my emphasis). Delegates from Greece, with the support from Australia and the USA contested such changes as "too restrictive" (UNCHR 1994, 36).

Similar debates arose in 1996. Cuba suggested additional amendments to a formerly agreed upon draft. One additional statement read: "Furthermore, everyone, individually and in association, has the right, in *accordance with applicable* national law and the international obligations and standards accepted by the States" (UNCHR 1996,

12) (my emphasis). Delegates from Mexico and China along with the observer from Nigeria also voiced their support for these provisions, while representatives of the Netherlands, the USA, Canada and Australia rejected the amendments (UNCHR 1996). The Working Group meetings continued along this trend until 1998. Pro-defender states and NGOs would come to a consensus on a draft, and objector states led by Cuba would reject the proposed text and make new suggestions that frustrated the pro-defender delegates (UNCHR 1996; 1997). NGOs with consultative status also supported pro-defender states and argued that objector states were hiding behind the non-interference principle in order to continue violating the rights of local human rights activists.

In summary, arguments concerning “state sovereignty” were evident throughout the Working Group meetings, although taking on slightly different forms as a result of the changing political climate. From 1986 – 1989, influenced by the Cold War, the arguments of objecting delegates concerning state sovereignty chiefly prioritised the issue of a state’s rights versus the individual. This changed to a more central focus on retaining the dominance of domestic legislation in the 1990s.

In 1997, the Working Group meeting, the Chairman presented “the reference to domestic legislation” as a “remaining issue” (UNCHR 1997, 5) to be addressed by the Group. China and Cuba’s delegations “insisted on the need to include references to domestic legislation” (UNCHR 1997, 9) in the text. Delegates from Norway, Germany, Brazil, Switzerland, Chile and Canada expressed their “preference for not having any reference to domestic legislation in the draft declaration” (UNCHR 1997, 9). In the end, the objector states succeeded in including several provisions relating to domestic law in the Declaration, most notably Article 3:

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted. (UNGA 1998a, 3)

Undoubtedly, the human rights defender paradigm pushes at the boundaries of “state sovereignty”, challenging a state’s authority in its “internal affairs” by seeking international recognition of the activities of individuals in a manner that potentially

circumvents domestic jurisdiction. This contestation is indicative of the wider paradox of the human rights system; states being both the primary “guarantors” and “abusers” of rights (Bantekas and Oette 2013; Nash 2015). However, while state sovereignty is used by states as a means to avoid implementing human rights standards, it is also a legitimate democratic principle, and emphasises the importance of self-determination (Reilly 2009).

The HRD framework is a means to question the sovereignty of certain states by elevating an individual within its borders. As such, the human rights defender identity reinforces a state-centric bias and names the “state” as the chief offender of the rights of individual activists. To counter this, objector states tried to keep the HRD identity contained within domestic laws and contexts. Such thinking is also connected to the perennial debates concerning the principle of “universality” of human rights norms that underpin the wider international human rights project.

Interpretations of “universality”

[The] nature of every society and its cultural heritage should be preserved in the light of present-day attempts to homogenize the world according to a particular cultural or political model. (UNCHR 1993, 9)

Delegate from Cuba, 1993 Working Group meeting

Political and ideological debates over “universality” are an on-going aspect of international human rights discourse. Liberal proponents of human rights discourse hail “universality” as “one of the great achievements of the international human rights movement” (Donnelly 2007, 306). This thinking champions human rights as “natural rights” based on “the moral equality of all human beings” (Donnelly 2007, 291). However, other perspectives recognise human rights as “imprisoned in universality” and call attention to the ways, under the guise of “universalism”, human rights language has been “deployed to advance narrow, sectarian, hateful and exclusionary practices and ideas” (Matua 2008, 19). Such interpretations attest human rights as “the language of a moral imperialism” (Ignatieff 2001, 20) and “a white mythology” (Douzinas 2004, 465) rooted in the political attitudes and interests of the West.

In this section, I discuss the struggle of proponents of the HRD framework to define the role of the individual defender of “universal” human rights. Due to the extent and scope of the wider ideological battles around these ideas, in this discussion I highlight three overlapping dimensions of debates concerning “universalism” in the human rights project present in the drafting process of the 1998 Declaration: (1) universality versus state sovereignty; (2) universality versus the “indivisibility” of rights; and (3) universality versus culture.

1. *Universality versus state sovereignty*

The overarching objective of the 1998 Declaration concerns those working to “promote and protect *universally recognised* human rights and *fundamental freedoms*” (my emphasis). During the 1986 – 1989 sessions of the Working Group, debates concerning the condition of “universally” were most common in discussions over the scope of “human rights activities” defined in the text. Objector states preferred the use of highly qualified language in reference to the actions included in the draft. An extension of the discussion of the previous section, this was an *additional* means through which objector states implicitly and explicitly asserted the principle of state sovereignty in the Working Group meetings and repeatedly maintained that the state has ultimate control over its internal affairs. This debate is connected to a prevailing contestation within the human rights project: to what extent notions of “universality” are in conflict with state sovereignty in international human rights law.

During this time China was the lead state delegate to push for such provisions. For example in 1987, the delegate from China proposed an amendment to a proposal made by the United Kingdom, seeking to replace the words “the rights and freedoms set forth in the present Declaration”, with “the *universally recognized* human rights and fundamental freedoms” (UNCHR 1987, 8) (my emphasis). This continued in 1988, when the delegate from China advocated for the Declaration to pertain to activities concerning the promotion and protection of “all human rights and fundamental freedoms *as enshrined in the relevant* international covenants and conventions” (UNCHR 1988, 26) (my emphasis). This type of language was supported by other objector states, such as the USSR and Bulgaria. China’s statements were in response to a phrase from a draft Declaration proposed by Canada and Norway, which read simply that the Declaration would address advocates working towards the realisation of “their human rights and fundamental freedoms” (UNCHR 1988, 26).

Debates over such terminology continued in 1989, as delegates continued to comment on a proposed text of the Declaration drafted by Canada and Norway the year prior. The delegates debated extensively the wording of the title of Chapter III, which was originally proposed as “the right to associate with others in the promotion and dissemination of knowledge about human rights” (UNCHR 1989, 6). The USSR opposed this title and suggested it be changed to: “the right of everyone to contribute to the promotion and protection of universally recognized rights and fundamental freedoms” (UNCHR 1989, 7). This was supported by the Ukrainian Soviet Socialist Republic with similar amendments also suggested by China and Czechoslovakia. The working draft was eventually changed to reflect the suggestions of the objector states (UNCHR 1989).

Arguments of sovereignty and the strategic reference of the phrase “universally recognised” from 1986 to 1989 reveal the on-going scepticism towards the construction of the human rights defender paradigm on the whole. The contestations at this time between pro-defender and objector states were consistent with the ideological fault lines of Cold War politics: Soviet bloc states (and China) attempting to curtail the dominance of the West. This was particularly visible in efforts to recognise the indivisibility of *all* human rights: civil and political as well as economic, social and cultural.

2. *Universality versus the indivisibility of rights*

The debate over the term “universally recognised” took an interesting turn in 1993 which revealed a second dimension of universality: the struggle to reconcile principles of “universality” with the realisation of economic, social and cultural rights. The delegate from Cuba proposed “the alternative formulation of ‘*all human rights*’”, and stated that the “use of the term “universally recognized” would immediately raise the question as to which human rights are *not* universally recognized” (UNCHR 1993, 23) (my emphasis). In another statement the delegation said they “felt that the expression ‘universally recognized’ was too ambiguous... since not all human rights *were universally recognized*, there was a danger that the declaration *would not cover* certain rights, like the right to development or other economic, social and cultural rights” (UNCHR 1992, 23) (my emphasis).

The concern that the Declaration would or would not adequately address “economic, social and cultural rights” had been present during the Working Group sessions from 1986 to 1989, accentuated by contestations of the Cold War. In 1986, in separate

addresses the delegations from Bulgaria, India, Yugoslavia, USSR, Algeria and China expressed a wish that the Declaration should “be in accord with the concept of the indivisibility of civil and political, and economic, social and cultural rights” (UNCHR 1986, 8). In 1987 the delegates from the USSR and the Philippines proposed an addition to the Declaration that stressed that: “priority shall be given to the realization of the new international economic order as a necessary element for the effective promotion of human rights” (UNCHR 1987, 10 and 24). These arguments reflect the classic debate that civil and political rights have more prominence than economic, social and cultural rights within the human rights project. Within the Working Group, these debates dwindled and all but disappeared from the reports from 1989 to 1993. Cuba revived them in 1993 and to a lesser degree in 1995.

In 1995, pro-defender states and NGOs believed that the Declaration was near completion. They expressed frustration with Cuba’s refusal to accept the draft. According to the delegation from the United States, there was “a substantive lack of willingness on the part of the Cuban delegation to complete the work on the draft declaration during the current session of the working group” (UNCHR 1995, 37). This was supported in similar statements made by Chile, Australia, Norway, France and the Netherlands. Later in the session the delegate from the United States specified that “one delegation especially was responsible for the working group’s lack of progress, since it had continuously and consistently blocked consensus on numerous compromise proposals and insisted on all its own proposals” (UNCHR 1995, 40). The Cuban delegate responded with a lengthy statement, which included the following:

*The working group needed to adopt a comprehensive approach in its work and the indivisibility and interdependence of **all** human rights and fundamental freedoms should be reflected in the operative part of the declaration. Should the declaration **only serve to universalize existing imbalances**, it would not be acceptable to many countries, including Cuba.* (UNCHR 1995, 93) (my emphasis)

It is important to note that these Working Group debates from 1993 – 1995 coincided with the Second World Conference on Human Rights in Vienna in 1993, where 171 states recognised that “all human rights are universal, indivisible and interdependent and interrelated”¹⁶ (Eide and Rosas 2008, 4). It was non-Western states, China,

¹⁶ *Vienna Declaration and Programme of Action*. UN GAOR, World Conference on Human Rights, 48th Session: UN Doc. A/CONF.157/23.

Singapore and East Asian countries in particular, that pushed to formally reaffirm the “indivisibility” of economic, social and cultural rights in addition to civil and political during Vienna (Sen 1999). In addition, “all human rights for all” was the slogan of the NGO forum that took place during the Conference (Strohol 1993). In the Working Group meetings, Cuba clearly leverages the use of this language and challenges claims to “universality” as indicative of “present-day attempts to homogenize the world according to a particular cultural or political model” (UNCHR 1993, 9).

Cuba’s claims progressively challenge the strong reluctance of some Western states (particularly the United States) to recognise the salience of economic, social and cultural rights. States that express “a strong faith in full economic liberalism and a severely constrained role for the State in matters of welfare” (Eide 2006, 171) tend to resist the legitimacy of economic, social and cultural rights in international law. The prioritisation of civil and political rights also hinders the realisation of women’s human rights. According to Niamh Reilly, “those who equate ‘human rights’ with basic ‘civil and political rights’ ...generally accept uncritically the imperatives of neo-liberal, free market economics” (Reilly 2009, 31). The gendered effects of privatisation processes (implicit in free market economic policies), from restricted access to welfare services, accommodation, public transport, maternity and paternity leave benefits, healthcare, education and so on, has been highlighted and contested by feminist scholars (Reilly 2009; Stinson 2004).

The emphasis on “civil and political rights” is visible in attitudes of pro-defender states during the Working Group meetings and reveals what is prioritised and what is ignored in discourses on human rights defenders. Those who are recognised by the HRD framework are predominately public actors working on issues pertaining to civil and political rights, and are viewed as challenging “oppressive” state regimes. In particular, the human rights defender framework does not expressly challenge specific economic power relations in the form of resource ownership and allocation. I return to this point throughout this thesis.

3. Universality versus culture

Debates concerning “universally recognised human rights” had a third dimension in 1993 and 1994, as the discussion during these two years shifted towards whether or not the Declaration should reference provisions of “cultural identity”. Prior to the 1993 session, the Working Group delegates had been given a “first reading of the text”

(UNCHR 1993, 3) and invited to submit comments on the draft. The delegate from Turkey had proposed the following addition:

*Everyone, individually or in association with others, should have and promote respect for the rights, freedoms, identity and human dignity of all other members of the community, as well as for **the cultural identity of the community as a whole.*** (UNCHR 1993, 15) (my emphasis)

The Syrian Arab Republic, the Libyan Arab Jamahiriya, Cuba and Malaysia supported this addition. China also expressed a similar phrase in their proposal: “Everyone, individually or in association with others, shall have...responsibility to respect and to promote the respect for...the social and cultural identity of the community in which human rights are implemented” (UNCHR 1993, 16).

These proposals were strongly countered by pro-defender states. In 1993, Greece stated it had “difficulties...with regard to the concept of ‘cultural identity’, which it considered obscure and open to possible abuses” (UNCHR 1993, 16). The delegate from the United States reiterated this perspective, saying that “the Working Group might usefully make clearer that respect for cultures... should be exercised *only to the extent that* such respect, as well as the cultures themselves, *was consistent with* international standards of human rights and fundamental freedoms” (UNCHR 1993, 14) (my emphasis). This was supported by the United Kingdom. The delegate from Sweden also echoed these opinions, stating that “it did not consider it correct to deal with respect for human rights and fundamental freedoms of all others and the cultural aspects of the community in the same paragraph” (UNCHR 1993, 14). The International Commission of Jurists (ICJ) emphasised that there was “a danger that some States might use references to ‘culture’ and to ‘community’ as a pretext for repression of human rights defenders whose legitimate work called into question some of the policies or methods of the State rulers” (UNCHR 1993, 20-21).

This debate continued in 1994, as the delegate from the Syrian Arab Republic stated that the “differences existing between countries with respect to the concepts of morality, public order and general welfare make it rather difficult to be fully in conformity with international obligations and commitments” (UNCHR 1994, 38). Cuba supported these views. The delegate from the United Kingdom responded: “the text should be made clear so it could ensure the right of the individual to speak out against those aspects of culture which might undermine his or her human rights and fundamental freedoms” (UNCHR 1994, 81).

The contestations between universality and culture in human rights discourses are well-documented (Donnelly 2007; Rao 1995; Merry 2003; Brems 1997; Hodgson 2011; Mutua 2001; 2008). Pro-defender delegates reiterated the mainstream view within the international human rights project of culture as a static entity that often is inherently at odds with the “modern” and “progressive” norms of human rights (Merry 2003). The idea of “human rights” as “natural rights” is entangled with liberal connotations of universality, morality and objectivity. Such thinking reinforces a dichotomy of cultural practices as “bad/negative” and human rights norms as “good/positive”. This fails to encapsulate the ways human rights themselves are, according to Makua Mutua, “historically constructed from culture, religion, tradition, citizenship, and economic modes of production” (Mutua 2008, 20). As discussed in the previous chapter, this becomes further complicated when human rights discourses perceive “culture” as the culprit responsible for violations of women’s rights. While not wanting to downplay incidences where women do face violations in the name of “cultural practice”, the view of culture as the sole obstacle to realising women’s human rights “reinforces the idea that it is culture that is subordinating women and modernity that frees them” (Merry 2003, 14). Such attitudes fit the trope of the human rights project as the “good angel who protects, vindicates, civilizes, restrains and safeguards...from the tyrannies of the state, tradition, and culture” (Mutua 2001, 204). I expand on this point more in the following section.

In the final draft of the 1998 Declaration, a compromise was reached concerning the use of “universally recognised” and reference to “culture”. The phrase “all human rights” is used 14 times in the final text. For example, Article 2 reads:

*Each State has a prime responsibility and duty to protect, promote and implement **all** human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, **economic**, political and other fields. (UNGA 1998a, 3)*

The more restrictive phrase “universally recognised” is only in the title of the Declaration and the Working Group. In addition, “culture” is only included as a reference to “cultural rights”. According to Section 1, Article 14:

The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all

*persons under its jurisdiction of their civil, political, **economic, social and cultural** rights. (UNGA 1998a, 6)¹⁷*

The controversy concerning the principles of “universality” has had a lasting impact on the human rights defender framework as a site of contested meanings. In the end, the pro-defender delegates succeeded in avoiding explicit recognition of “cultural identity” in the final text. This further reveals the underlying resistance towards understandings of “culture” in discourses on human rights defenders. In addition, the bias towards universalism provides insight into what is privileged in the naming of HRDs in this framework. As will be discussed next, the contentiousness of defining an individual in terms of his/her activities promoting “universal” human rights is further exemplified in conceptions of “individual rights” in tension with “community duties”.

Duty and individual rights

The duty of the individual to respect the rights, beliefs and cultural identity of others by recognising the enjoyment of rights and freedoms implies that everyone must discharge his duties with the community in which he lives. (UNCHR 1987, 11)

Delegate from Senegal, 1987 Working Group meeting

In its 1985 mandate to the Working Group, the Commission named the Declaration as “the right *and the responsibility* of individuals, groups and organs of society...” (my emphasis). In the years of the Working Group meetings, the discussions concerning the extent and scope of this “responsibility” or “duty” were critical points of contention amongst the delegates. The concept of “duty to community” of an individual is found in several human rights treaties, in particular Article 29 of the Universal Declaration of Human Rights¹⁸ and the fifth preamble paragraphs of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil

¹⁷ These two articles are also the only references to “economic rights” in the 1998 Declaration.

¹⁸ Article 29 of the Universal Declaration of Human Rights reads as follows:

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

and Political Rights (ICCPR)¹⁹. The 1966 covenants relatively speaking are legally binding on state parties. According to Daes, the “duty” of an individual is two-fold: a duty to one’s local community and a duty to the international community (Daes 1982). In this sense, an individual is both morally and legally obligated to respect the human rights of others, enabling all persons to “fully form and develop his personality” (Daes 1982, 40). Duty is therefore “the premise that all persons are equal, moral and autonomous beings entitled to be treated – and obligated to treat others – with equal concern” (Reilly 2009, 24). These concepts are magnified in a communitarian interpretation of human rights law; the rights of the individual are inextricable from their community. However, as will be discussed in this thesis, this is not so in the HRD framework, wherein the concept of individual rights is amplified in the understanding of an internationally-elevated lone defender of universal rights.

In the Working Group, there were two objector states most vocal in their claim that the Declaration should address both the “duties” as well as the “rights” of individuals. The first was Senegal. Senegal made regular statements on the “duties” of the individual throughout Working Group meetings from 1986 to 1989. For example, in 1987 Senegal stated: “It is the duty of every individual within the community to promote, develop and safeguard mutual respect and tolerance” (UNCHR 1987, 38), citing articles 28 and 29 of African Charter of Human and Peoples’ Rights.²⁰ The country made similar claims during subsequent Working Group meetings, such as in 1989:

The protection of rights is incumbent on every individual, group and organ of society; these have an obligation and, when this obligation is not translated into positive law, a duty and responsibility to defend them and to encourage their promotion. (UNCHR 1989, 33)

However, in the 1992 Working Group meeting, “the representative of Senegal informed the Working Group of the decision of his Government to withdraw the proposals... relating to the issue of rights and responsibilities of individuals and groups” (UNCHR 1992, 19). The Senegal delegation did not “object” to further provisions in the Declaration in the remaining years of the Working Group meetings. The reason for the withdrawal is not referenced in the reports.

¹⁹ Fifth preambular paragraph of the International Covenants (both the ICCPR, International Covenant on Civil and Political Rights and the ICESCR, the International Covenant on Economic, Social and Cultural Rights): “Realizing that the individuals, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the Rights recognized in the present Covenant.”

²⁰ This Charter is the international human rights mechanism for the African Continent, adopted in 1988 by the African Commission for Human and People’s Rights. Part I, Chapter II entitled “Duties”, outlines the duties of the individual to his/her community, family and State.

Cuba was the second proponent of the “duties” argument from 1991 to 1998. The Cuban delegation was joined intermittently by other states, such as the Senegal (1991), the USSR (1991), Tunisia, Turkey, Cameroon, China, Syrian Arab Republic, India and Mexico. In the 1991 Working Group meeting, the delegation of Cuba presented an article for inclusion in the draft Declaration, emphasising:

All individuals shall act in accordance with their duties towards the community to which they belong; in particular, those relating to the promotion of the social and cultural identity of the community, and self-determination of its people as well as to the attainment of the equal rights and full dignity of its members. (UNCHR 1991, 41)

Cuba’s statements include reference to “cultural identity” and as such reveal the overlap between these thematic debates. Cuba’s statements above were also supported by the USSR in 1991. However, in 1992, the new delegation of the Russian Federation decided to, like Senegal, formally withdraw “the proposal of the former Union of Soviet Socialist Republics on the issue of duties and responsibilities” (UNCHR 1992, 53). Also like Senegal, the reasoning behind Russia’s choice is not documented.

The pro-defender states’ response to the “duties” argument was led by the United States, the United Kingdom, Sweden, Norway, France and the NGO observers ICJ and Amnesty International. According to the 1991 Working Group report:

The delegations of the United Kingdom and the United States of America shared the view that it would be inappropriate for the declaration to include provisions relating to any duties of individuals or groups. The object and purpose of the declaration is to secure the rights of human rights defenders to promote and protect the human rights of others. These rights imply duties for States and Governments, not for individuals. (UNCHR 1991, 29)

Following these statements, the observer from the ICJ also outlined similar arguments:

Though every right is accompanied by some duties, these are not always the duties of the holder of the right. This is especially so with respect to rights which attempt to protect individuals and groups against the arbitrary exercise of power by the States...The characterisation of “duties”...does not seem harmonious with a human rights instrument designed to lighten existing restrictions on the work of those who strive to

defend human rights in their own communities and elsewhere. (UNCHR 1991, 28)

The response of the pro-defender states is consistent with the thinking of liberal proponents of human rights who resist concepts of “community obligation” and collective responsibility and argue that these principles clash with the ideals of self-determination and autonomy that underpin “individual rights”. The individual human rights defender needs *to be protected from* the “arbitrary exercise of power” of states; and this “protection” does not conversely require any “duties”. The state here is represented as a monolithic actor and the primary violator of the rights of the human rights defender in the public sphere. Such thinking is championed by “good” Western states (such as the pro-defender states listed above) in order to shame “other” “bad” states typically in a non-Western context. Pro-defender delegates therefore remained adamant that the final text of the Declaration outline “duties for States” and *not for* individuals (UNCHR 1993; 1997).

In the 1993 Working Group session, the delegations of China and the Syrian Arab Republic expressed a joint opinion that “rights and duties were both interdependent and inseparable. The concepts of rights and duties were not in opposition to each other, but rather mutually guaranteed their existence” (UNCHR 1993, 12). This was supported by Cameroon (UNCHR 1993). Some states expressed opinions that were somewhat sympathetic to the arguments of the objector states, but differed from the hard-line perspectives of China and Syrian Arab Republic. According to the delegate from Tunisia,

*The African countries...recognised the responsibility and the duty of States in promoting and protecting human rights, but also held the view that the international community should pay **special attention** to the role and responsibility of individuals, groups and organs of society in the full realisation of human rights and fundamental freedoms.* (UNCHR 1993, 12) (my emphasis)

In contrast, the delegate of the Russian Federation stated more cautiously “any duties and limitations should not be such as to remove the possibility of normal activities of human rights defenders” (UNCHR 1993, 13). The delegate from Poland stated that “the Working Group had to focus on crucial elements of the declaration, but duties of individuals were not among them” (UNCHR 1993, 13). Chile stated that “rights and duties coexisted but they did not need to be emphasized to the same extent” (UNCHR 1993, 13).

Due to the extent of the debate, “duties and responsibilities” remained one of the “outstanding issues” to be discussed by the Working Group at the final meeting in 1997 (UNCHR 1997, 4). India stated that “the concept of duties...should be clearly enunciated in the draft declaration” (UNCHR 1997, 6). Mexico echoed these statements, saying that they preferred “a clearer structure of the draft declaration with a balance between the rights and the duties of human rights defenders” (UNCHR 1997, 7). Cuba also agreed with Mexico and India, and proposed a separate new paragraph of text that outlined the “duties” of the individual (UNCHR 1997, 10). This was opposed by the delegates from Sweden, France and the United States and the United Kingdom. The delegate from the USA stated that they “rejected the proposals that would establish unacceptable new limitations on human rights by creating duties that did not exist under international law” (UNCHR 1997, 16). France too echoed these sentiments, stating that:

The Working Group's mandate concerned only the “duties” and “responsibilities” of human rights defenders, which covered only provisions pertaining to the “principle of responsibility”, excluding any reference to obligations, restrictions or limitations incompatible with the defence of human rights. (UNCHR 1997, 17)

The word “duties” is mentioned once in the Declaration. Article 18 reads: “everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible” (UNGA 1998a, 7). This is lifted word for word from Article 29 of the Universal Declaration of Human Rights. Despite not being a “new” statement and repeating an Article from one of the most significant documents in human rights discourse, the inclusion of this statement was strongly protested by pro-defender delegates, who expressed severe disappointment at the addition of this text in the final draft (UNCHR 1998). I argue that this speaks to the persistent reluctance of the HRD framework to incorporate definitions of rights beyond classic liberal interpretations.

The underlying contention concerning “duties toward and within the community” demonstrates how the HRD identity foregrounds and amplifies the ideas of individualism that pervade human rights discourses. Defending human rights by definition, according to pro-defender states and NGOs, often means opposing community and local fronts. The international human rights project’s “unrelenting focus on individualism” (Mutua 2008, 34) has been widely critiqued in academia (Mutua 2008; Douzinas 2002). According to Makau Mutua, “the human rights corpus views the individual as the center of the universe, and therefore denigrates

communities, collectives, and group rights” (Mutua 2008, 34). Along a similar vein, Costas Douzinas maintains that “the individualism of universal principles forgets that every person...comes into existence in common with others, we are all in community” (Douzinas 2002, 458). The bias towards individualism in the human rights defender framework reveals a deep-seated aversion to community. I unpack the implications of the highly “individualistic” mind set in HRD discourses continually throughout this thesis.

The “spirit of compromise” and an interpretive declaration

In 1997, the atmosphere of the Working Group’s sessions became so tense that in-person deliberations regarding the draft were considered futile; the Group was simply unable to reach a compromise (UNCHR 1997). At the conclusion of the 1997 session, the Group “entrusted” the Chairman-Rapporteur Jan Heglesen from Norway “with the task of holding informal consultations” prior to the 1998 meeting in order to produce a draft text for consideration (UNCHR 1998a, 4). This was in response to the pressure placed on the Working Group by the Commission; the Group was tasked with reaching a consensus in time for the 50th anniversary of the Universal Declaration of Human Rights in December 1998. Heglesen revised and consolidated various proposals and presented the Declaration for a final and minimal debate in the thirteenth Working Group session in February 1998. The text Heglesen presented was significantly shorter and more ambiguous than earlier drafts. Consensus was reached, but no delegation was completely satisfied with the document. According to the delegate from Syrian Arab Republic, “her delegation considered that some elements of the draft declaration should have been addressed differently...however, her delegation had accepted the text in a spirit of compromise” (UNCHR 1998a, 10). This was echoed by many other delegations, including India, Malaysia, Egypt, El Salvador and Sudan. The United States and Germany had wanted to see a “stronger text” (UNCHR 1998a, 10). The Netherlands stated that even though the Declaration “had not met earlier expectations on all points, it was certainly a step forward” (UNCHR 1998a, 12). Japan, France and Finland recognised that although the Declaration “was not a perfect document” (UNCHR 1998a, 12, 13 and 15) it “was a highly positive development” (UNCHR 1998a, 12) in the recognition of individuals as human rights defenders.

The NGO delegates present in the final Working Group meeting in 1998 welcomed the adoption of the Declaration, and issued a joint statement²¹. Noting that,

*The draft declaration could prove to be useful for human rights defenders worldwide by enabling them to perform their **courageous** tasks in the promotion and protection of human rights and fundamental freedoms. However, any tampering with the present consensus text would threaten to undermine the credibility and usefulness of the declaration **for those in the front line of human rights work**. On that point, it was argued that the declaration, on its own, would not offer full protection for human rights defenders, many of whom sat in the prisons of some of the States who were present in the Working Group. Yet, the declaration could mark a breakthrough in the approach of all States towards human rights and those individuals who **promoted and protected** those rights. (UNCHR 1998a, 10-11) (my emphasis)*

Here, the NGO delegation reiterated several dominant themes that would carry over into international definitions of human rights defenders from 1998 onwards: human rights defenders are “courageous” actors on the “front line” of daily struggles to “promote” and “protect” human rights. The 1998 Declaration was viewed as a vehicle through which to foster further international recognition for this group. An extensive framework (sponsored by governments, regional human rights mechanisms, international and local NGOs as well as the United Nations) developed to support “those in the front line of human rights work” after 1998.

However, the acceptance of the Declaration was not straightforward. Objector states in the UN General Assembly requested an “interpretative declaration” to coincide with the original Declaration’s adoption. The “interpretative declaration” is a joint statement acknowledging the reservations of 26 UN member states regarding the provisions set forth in the Declaration. The 26 delegates that signed the interpretative declaration include: Algeria, Bahrain, Benin, China, Cuba, Democratic People’s Republic of Korea, Djibouti, Egypt, Ethiopia, Iran (Islamic Republic of), Iraq, Kuwait, Lao People’s Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Mauritania, Myanmar, Niger, Oman, Pakistan, Qatar, Singapore, Sudan, Syrian Arab Republic, United Arab Emirates, Viet Nam (UNGA 1998b, 1). This is quite an extensive list of countries, and includes the most vocal objectors to the 1998 Declaration during the Working Group meetings.

²¹ The joint statement was read by the delegate from the International Service of Human Rights (ISHR) on behalf of all NGO participants in the Working Group since 1986.

Led by Egypt's permanent representative to the General Assembly, the joint statement was issued to the UN and the President of the General Assembly on the 18 November 1998, just weeks before the 1998 Declaration's adoption. The statement responds to specific articles of the 1998 Declaration, and in particular reiterates the points of contention raised throughout this chapter. Some key specific aspects of the statement below:

*The interpretation of this Declaration should be in conformity with the following...The Charter of the United Nations and the principles enshrined therein, in particular...**respect for the sovereignty of States and their territorial integrity [and] non-interference in the internal affairs of States...***

*Any interpretation contrary to the aforesaid or aiming to create rights and obligations not in conformity with the Charter of the United Nations **or universally recognized** international human rights instruments does not correspond to our understanding. **Any interpretation that creates rights and obligations not provided for by domestic laws does not correspond to our understanding...***

*Finally, **in interpreting the provisions of the Declaration, various cultural, religious, economic and social backgrounds of societies must be taken into account.*** (UNGA 1998b, 2-3) (my emphasis)

The contestations throughout the Working Group meetings as well as the interpretative declaration reveal the political and ideological tensions present in prevailing discourse on human rights defenders. While the 1998 Declaration was adopted (without vote) by the entire UN General Assembly, the human rights defender paradigm clearly involves different forms of exceptionalism in international relations. As seen within the Working Group meetings, the paradigm appears to suppose “good states” (from the West) critiquing “bad states” for how they treat activists on the ground. In this way, it is not unreasonable to view the human rights defender framework as reflecting a moment of western liberal hegemony. The double standard of HRDs is visible in the “naming” of activists largely active in the Global East and South by international organisations and states based in the West “human rights defenders”. This critique does not work the other way, with non-Western based-NGOs and states having the same forum in which to critique the treatment of activists in Western states. There are exceptions, and there have been attempts by international NGOs to “name and shame” countries from the

West for their treatment of HRDs. For example, in 2014 Navi Pillay, the then UN Commissioner for Human Rights, called Edward Snowden a “human rights defender”. In 2012 Snowden, a former contractor with the US National Security Agency, exposed the extent of “massive state surveillance” committed by the US government (Nebbehay and Miles 2014). However, such recognition is rare, and the vast majority of so-called human rights defenders are based in non-Western contexts. In addition, it would be inaccurate to suggest that the pro-defender states do not also employ similar arguments of objector states in order to sidestep responsibilities under international law. This is seen with the principle of state sovereignty in particular, as well as the authority of domestic law over international statutes. For example, in the United States, the US Constitution reigns supreme over international and regional law. According to Rhonda Copeland, the US has repeatedly “used the myth of constitutional superiority to hold itself above international scrutiny”, and this includes the country’s “refusal to ratify the ICESCR and the Women’s and Child Rights Conventions and in the limits it imposes when it does ratify human rights treaties” (Copeland 1999, 70).

As such there is credence to the argument that the development of the HRD framework emerged from predominately the political interests of Western states and NGOs. However, the ways in which the human rights defender framework has been applied in practice in various regional and local settings since 1998 counters the critique of the HRD identity as purely a reflection of Western thinking. Reference to “human rights defenders” is found in policy and jurisprudence of the regional human rights systems of Europe, Africa and Latin American in particular. For example, the chief human rights body of the African Union (the African Commission on Human and Peoples’ Rights) created the position of a Special Rapporteur for the situation of human rights defenders in Africa in 2004. Since 1998 there have been many cases presented to the Inter-American Court of Human Rights (IACtHR) that deal with the work of individuals named “HRDs” (Quintana and Fernández 2014). In addition, active transnational NGOs in Asia such as the Association of Southeast Asian Nations (ASEAN), the Asian Forum on Human Rights and Develop (FORUM- ASIA) and the Asia Pacific Forum on Women, Law and Development (APWLD) have all developed specific programmes and policies concerning human rights defenders²².

²² I outline the nuts and bolts of the regional developments of the HRD framework since 1998 in Appendix B.

2.4 After 1998: The UN Special Rapporteur

After 1998, the HRD framework was further legitimised by the actions of the United Nations. This started with the 1998 Declaration and sustained through the establishment of the position of the UN Special Rapporteur on the situation of human rights defenders. Since 1998, the Commission (followed by the Human Rights Council), as well as the General Assembly, have passed several follow-up resolutions addressing the implementation of the Declaration²³. These resolutions mark an on-going official recognition of the “human rights defender” role and identity from the UN system²⁴. In this section I pay particular attention to the main milestones of progression of the framework at the international level and the work of the UN Special Rapporteur on the situation of human rights defenders.

The position of the Special Rapporteur (formerly Special Representative) has been instrumental in establishing the HRD identity within international discourse. The thematic special procedure monitors the implementation of the 1998 Declaration and works to raise awareness of the situation of HRDs all over the world. The work of the position solidifies the “human rights defender” as a key actor in the practice and rhetoric of the international human rights project. The Special Rapporteur, like other thematic mandates of the United Nations, presents at minimum two annual reports each year: one to the Human Rights Council (formerly the UN Commission on Human Rights) and one to the General Assembly. The reports outline the previous year’s activities as well as an overall description of the “global situation” of human rights defenders in various regions around the world. At times these reports are arranged thematically, and as such offer specific attention to HRDs working on certain issues or contexts. For example, the 2016 report to the UN General Assembly focused on the defenders of environmental rights (HRC 2016).

Since 2000, there have been three holders of the mandate: Hina Jilani (2000 – 2008), a lawyer and women’s rights activist from Pakistan; Margaret Sekaggya (2008 – 2014), a magistrate from Uganda and former Chairperson of the Uganda Human Rights Commission; and Michel Forst (2014 to present), former UN Independent expert on the

²³ A list of General Assembly Resolutions concerning human rights defenders include: A/RES/54/170 (1999), A/RES/66/164 (2012), /RES/68/181 (2013, protecting women human rights defenders), A/RES/70/161 (2015).

²⁴ For further information, there is a full timeline of the key developments of the human rights defender framework before and after 1998 in Appendix C.

situation in Haiti and a founding member of the board of trustees for the Dublin-based NGO Front Line Defenders. As the first mandate holder, Hina Jilani played a formative role to the early construction of the HRD framework, and was the first to make a distinction between “women” and men human rights defenders in her 2002 report. I discuss Jilani’s contributions in more detail in the following Chapter.

The initial mandate²⁵ of the Special Representative included the following provisions:

To seek, receive, examine and respond to information on the situation and rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;
To establish cooperation and conduct dialogue with governments and other interested actors on the promotion and effective implementation of the Declaration;
To recommend effective strategies better to protect human rights defenders and follow up on these recommendations. (UNCHR 2001, 6-7)

In order to execute this mandate, the Special Rapporteur has several primary activities: (1) the receiving of information from prospective defenders: such as complaints regarding the violation of their rights, and responding/addressing this correspondence; (2) partaking in official country visits upon invitation by governments; (3) meeting with other potential stakeholders encouraging the development of regional and national human rights mechanisms to recognise and support the situation of defenders; (4) working in conjunction with other special procedures of the United Nations; and (5) attending international and regional events and forums in order to promote the work of the mandate and the implementation of the Declaration.

Throughout the 15 years since the mandate’s inauguration, despite the change in official title, the actual activities of the Special Rapporteur have remained unchanged. In each report, the Rapporteur continually raises concerns regarding the global situation of HRDs, such as the need for stronger and more efficient protections and support networks in order to provide an enabling environment for human rights defenders to do their work. Reports are uniformly structured, with detailed accounts of individual cases taken up that year and the responses (if received) by governments after the Rapporteur sought information on the maltreatment of a HRD in a specific

²⁵ With Resolution 200/61 (UN Doc: E/CN.4/RES/2000/61), the Commission set up the position of the “Special Representative” and included an official mandate with this text. The text of the mandate will change in 2006 to coincide the position title becoming “Special Rapporteur” – and this new mandate includes a specific “gender” dimension. I return to this point in Chapter 3.

country context. According to the reports, the majority of perpetrators of violations of HRDs' rights are states, and this is emphasised extensively. The reports also list the common "trends in violations" of the previous year, and outline the nature of the threats and risks faced by HRDs in their everyday work. These listed dangers include (but are not limited to): slander/defamation, intimidation, arbitrary arrest, torture, assassination attempts, death threats, extrajudicial killings, forced disappearances, slander, judicial harassment, defamation, physical assault, threats to family members, and so on.

Very significantly, the HRD framework rarely deals with "groups". For example, less than 6 percent of the cases reported by the Special Rapporteur in 2014 concerned specific groups working on human rights issues (HRC 2014). The language used in the reports of the Special Rapporteur valorises human rights defenders as individuals. HRDs are described as strong "agents of change" (UNCHR 2005) and as those "who try to embody the ideal of the Universal Declaration of Human Rights in a world free from fear and want" (HRC 2017a). There are several annual awards²⁶ presented by institutions predominantly in European contexts (traditionally sponsored by governments and international NGOs) geared specifically to recognising individual HRDs in non-western countries²⁷. Human rights defenders are viewed as having "a multiplying effect on the protection of human rights" (UNGA 2008, 19). The work of HRDs is characterised as urgent and necessary; "wherever human rights defenders are under attack, respect for human rights is curtailed" (UNGA 2008, 19). To violate the rights of human rights defenders is to violate the rights of the collective: "The protection of defenders is an indispensable element of the social and institutional framework for the protection of all human rights" (UNGA 2008, 19). The "voice" of the HRD is the "voice of peace" (UNCHR 2005). In sum, human rights defender discourses champion (male) heroism and liberal, individual bias. In Chapter 3 I pick up this theme again and delve deeper into the reports of the Special Rapporteur as I unpack the development of the "gender stream" of the HRD framework.

²⁶ The Martin Ennals Award, awarded annually through a collaboration between 10 international human rights NGOs (established in 1994); the Human Rights Defender Tulip, awarded by the Dutch government's Office of Foreign Affairs (established in 2007); and the Front Line Defenders Award for Human Rights Defenders at risk (established in 2005).

²⁷ For example, the winners of the Front Line Defenders Award for Human Rights Defenders at risk have been from: Sudan (2005), Uzbekistan (2006), Democratic Republic of Congo (2007), Syria (2008 and 2012), Guatemala (2009), Afghanistan (2010), Russia (2011 and 2017), Mauritania (2013), Pakistan (2014), China (2015), and Colombia (2016).

2.5 Conclusion

This chapter has provided an overview of the key developments of the paradigm of human rights defenders and the historical and political context in which the paradigm emerged. From 1982 to 1998, the United Nations Commission on Human Rights struggled to introduce the concept of “human rights defender” into international law, a task championed principally by international NGOs, including the International Commission of Jurists (ICJ) and Amnesty International, and state delegates from the West, such as the United States, France, Norway, the Netherlands and Australia. The onerous drafting process of the 1998 Declaration on Human Rights Defenders reveals the competing frames, ideologies and fault lines present in the overall construction of the HRD paradigm. This initial analysis is necessary in order to provide context and position the moment when women’s experiences and gender enter into discussions about human rights defenders. In particular, this chapter illuminated three central and overlapping debates were present throughout the 13 year drafting process of the 1998 Declaration: (1) non-interference in domestic affairs and the principle of state sovereignty, (2) ideas of universality, indivisibility, culture and human rights and (3) the tension between duty to community and individual rights.

The HRD framework on the surface is approached as a means through which “good states” counter and critique the activities of “bad states” by elevating and supporting exceptional, individual activists within these contexts. Ultimately the paradigm expands definitions of international human rights law, recognising that individuals, as well as states, have a role to play in working to promote and protect human rights on the ground. The framework approaches the “realisation of human rights” by focusing uniquely on the activities of individuals, and in so doing frames a triangular relationship amongst international human rights law, domestic law and the so-called “human rights defender”. In this relationship, the individual HRD from the onset is at odds with the monolithic and rights offending “state”. According to HRD discourses, “whether or not they [human rights defenders] are legally correct is not relevant in determining whether they are genuine human rights defenders” (OHCHR 2004, 9). HRD activities therefore are not bound to domestic legislation, but rather the “correctness” of international human rights norms (OHCHR 2004). This thinking centralises and exaggerates the traditional (liberal) human rights principles of individual rights and universality. It also prioritises the actions of the HRD as pertaining predominately to the public sphere.

According to Diane Otto, the “allegedly universal subject of human rights law” (Otto 2005, 106) is essentially coded masculine, with women’s experiences serving to “buttress the production of the masculine universal” (Otto 2005, 116). The masculine subject in international law is rational, autonomous and self-determining (Otto 2005). This thinking is reinforced and reinscribed in discussions on human rights defenders, who are “heroes”, “agents of change” and embody the principles of democracy and the Universal Declaration on Human Rights (HRC 2010; HRC 2017a). The focus on “individual rights” and the implicitly negative connotations of community and culture within the human rights project contributes to this highly individualised discourse, which marginalises communitarian perspectives perceived as conflicting with the universal “morality” of human rights. According to the HRD framework, the work of human rights defenders “fighting injustice or claiming their rights” (HRC 2016, 9) often involves being in opposition to “community” and “culture”. As I discuss in Chapter 3, this thinking is intensified in conversations about women in the HRD framework, who, according to the discourse, are fundamentally vulnerable based on their gender, their exposure to sexual violence and restrictive cultural norms (OHCHR 2004).

In addition, in its amplification of the state as “the enemy”, the HRD framework affirms and preserves the prioritisation of civil and political rights over economic, social and cultural rights. Undoubtedly the most visible HRDs in the framework are those who work on issues related to civil and political rights, such as lawyers and journalists, targeted by the state when “attempting to carry out their legitimate and peaceful human rights activities” (HRC 2010, 19). Human rights defender discourses are preoccupied primarily with defenders’ activities in public spaces and the “public visibility” (HRC 2016, 14) of their work. Human rights defenders are, as such, public heroes in battle with the state. This aggressive individualism is undoubtedly masculine, and these restrictive discourses have had lasting implications for women seeking a place in the HRD framework.

The women’s human rights movement in the 1990s exposed and contested the gendered biases of international human rights norms, including the principle of state sovereignty, the public-private dichotomy, individualism, universality and the privileging of civil and political rights over economic, social and cultural rights. The HRD framework is far from impervious to this stream of feminist critique. In the following chapter, I look closely at these feminist interventions into the human rights

project, focusing on how they collided with the robust, male-centric human rights defender framework.

Chapter 3

3.1 Women's human rights discourses and the development of the women human rights defender paradigm

This chapter presents an account of the women's human rights movement since the 1990s and its influence in shaping "the gender stream" of the HRD framework in the early 2000s. In this discussion I unpack the key moments and theoretical underpinnings of the movement as it interacted with human rights machineries of the United Nations to promote "women's rights as human rights". In keeping with my central focus on scrutinising the human rights defender paradigm through a feminist lens, this chapter is rooted draws on critiques of the broader human rights project in feminist socio-legal and political scholarship introduced in Chapter 1.

Throughout the second half of the 20th century, feminist academics and practitioners worked to integrate the rights of women into international human rights frameworks. The first phase of their efforts, from 1945 – 1985, culminated in a series of world conferences as part of the UN Decade on Women (1975 to 1985) and the ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1979. Prominent feminist activism during this period was fighting for women's formal equality under the law and an end to gender-based discrimination (exemplified in the adoption of CEDAW). Later, the movement focused on contesting the liberal constructions of the public-private divide, as well as recognition of violence against women as a violation of women's human rights (Edwards 2011; Bunch 1990; Friedman 1995). I outline these developments through a discussion of the global campaign to achieve comprehensive recognition of "women's rights as human rights" in the 1990s.

In this chapter I also examine the subsequent integration of "women-specific" language into the human rights defender framework since 2001. I trace the development of "women as human rights defenders" through close readings of reports from the office of the UN Special Rapporteur on the situation of human rights defenders, as well as the 2013 UN General Assembly Resolution²⁸. As outlined in the previous chapter, establishing a special mechanism concerning HRDs was a crucial moment in the development of the human rights defender framework following the 1998 Declaration;

²⁸ Resolution 68/181, adopted by the General Assembly in November 2013 on protecting women human rights defenders (UN Doc: A/RES/68/181).

the position codified an understanding of “HRDs” in the discursive practices of human rights. The reports of the Special Rapporteur and their discussion of women and women’s experiences are crucial to the understanding of the ways in which women are named and understood within the framework.

To conclude this discussion I highlight the specific aspects of the agenda of women’s human rights (both academic and institutional) that influenced the development of discourses on women human rights defenders and consider in particular what aspects are silenced and/or omitted. I further consider the link between these discourses and the prevailing ideological contestations in the broader human rights defender paradigm, specifically concerning state sovereignty, universality and individual rights. This chapter is divided into three primary sections: *defining women’s rights through feminist praxis, developing a “gender-stream” of the HRD framework and women’s human rights versus women human rights defenders.*

3.2 Defining women’s rights through feminist praxis

Since the inception of international human rights as a normative framework, there has been much debate over to what extent notions of “human rights” include women’s lived experiences. Feminist engagement with the United Nations has created a space for women on certain international human rights agendas. For example, women were included in the drafting process of UN Charter (1946) and the Universal Declaration of Human Rights²⁹ (1948), and well-placed advocacy efforts led to the establishment of the Commission on the Status of Women or CSW (1946)³⁰. From the 1950s-1970s, feminist engagement at the United Nations was spearheaded by activities of the CSW, focused on implementing international legal mechanisms to support women’s political rights, rights to civic engagement and women’s rights in marriage (Reilly 2009; Guggenheim 1977). The CSW oversaw the drafting of the Declaration on the Elimination of Discrimination against Women, a precursor to CEDAW, addressing issues of gender discrimination under the law (Guggenheim 1977). These hard-won feminist interventions secured important legal recognition of women’s rights. They also reflect a traditional liberal feminist thinking concerning the law as a primary vehicle for

²⁹ The efforts of (predominately female) drafters of the UN Charter (1946) and the UDHR (1948) are well-documented (see Butterfield 2012; Reilly 2009). These delegates fought to ensure provisions for women’s lives were included (i.e. rights in relation to marriage and family, in particular UDHR Articles 16 and 25), and male-centric pronouns/language did not pervade final texts. (For more reading on this, see Reilly 2009, Chapter 3).

³⁰ Henceforth: CSW; established by the United Nations General Assembly in 1946.

pursuing women's equality and prioritising women's access to education, employment and public life on the basis of equality with men. The women's human rights movement, which gained particular momentum in the 1990s, problematised and expanded aspects of this thinking.

In this section I trace the trajectories of this movement and how it confronted/engaged with mainstream human rights and established new norms and language around women's human rights. To begin this discussion, I briefly outline the significance of the UN Decade on Women (1975 to 1985) and the ratification of CEDAW (1979) as precursors to the women's human rights movement of the 1990s.

Before the 1990s: The UN Decade on Women and CEDAW

An effective advocacy tactic of transnational feminist networks includes the coordination of international conferences concerning women's issues. From the 1970s, women's networking became "more intertwined with the UN system" than other international networks (Keck and Sikknik 1998, 168). The UN Decade on Women (henceforth the Decade) consisted of three UN World Conferences on Women: Mexico City (1975), Copenhagen (1980) and Nairobi (1985). According to Keck and Sikknik, the international conferences brought together women from all over the world and "legitimised" the women's movement, as "such face to face encounters generate the trust, information sharing, and discovery of common concerns that give impetus to network formation" (Keck and Sikknik 1998, 169). According to Elisabeth Friedman, the Decade "was a watershed both for placing women on the international intergovernmental agenda and for facilitating women's cooperation" (Friedman 1995, 23).

However, differences "among nationally or regionally framed feminisms" led to several "clashes" amongst women's groups during the World Conferences (Moghadam 2005, 85). While addressing legal equality and non-discrimination were the predominate objectives of women's movements in the US, Europe and even the UN, this contrasted from women's movements in the Global South and East (the former Soviet Bloc), which prioritised issues related to imperialism, development and peace (Moghadam 2005; Bunch 2001). These tensions can be viewed as part of the broader Cold War, post-colonial context of the late 1970s – 1980s. Disagreements between women at the Conferences from North-South and East-West were quite prevalent in Mexico City and Copenhagen, but began to subside in Nairobi with the emerging shift in international

feminist approaches of the mid-1980s. For example, much more space was given to women's groups from the Global South in Nairobi. The women's conferences provided a particular space for contention and engagement on all issues concerning women's lived experiences. Dominant understandings of "women's rights" moved beyond a focus on women's representation in the public sphere and became intertwined with emerging areas concerning development, health and violence (Bunch 2001). This is an important legacy of the Decade, stimulating the proliferation of a more "solidarity-focused" feminist activity in the 1990s. According to Niamh Reilly,

The Decade was pivotal in facilitating the emergence of a more inclusive and global women's human rights movement. As the Decade progressed, the influence of Third World, socialist and radical feminist ideas began to permeate feminist discourse and displace more traditional liberal feminist tenets, including the latter's commitment to law as the primary tool of feminist advocacy...in contrast, Third World, socialist and radical tenets entail profound scepticism about the capacity of Western, middle-class, male-biased, liberal law to address inequality and injustice in the (global) economy, in the home and in family or intimate relationships. (Reilly 2009, 47)

The Decade, therefore, opened up critical and new space within international discourses for feminists working through a legally orientated advocacy perspective to engage with those coming from bottom-up, practice-orientated movements. This engagement contributed new "counter-hegemonic approaches to human rights" (Reilly 2011, 63) and the application of critical gender analyses to the broader international human rights framework. As a result of the momentum of the Decade, there was an upsurge of UN-orientated transnational feminist engagement in the 1990s. Women's campaigns focused on the UN world conferences in particular, including: The Earth Summit on the Environment in 1992 (Rio); the Second World Conference on Human Rights in 1993 (Vienna); the International Conference on Population and Development in 1994 (Cairo); the World Summit for Social Development in 1995 (Copenhagen); the World Conference on Women in 1995 (Beijing); the Habitat World Conference on Human Settlement in 1996 (Istanbul); and the World Food Summit in 1997 (Rome) (Bunch 2001).

The Decade also witnessed the adoption of the first and only international treaty concerning the rights of women. CEDAW was the culmination of nearly 30 years of

feminist advocacy for legal norms and standards within the UN human rights system. Some praised the convention as the “international bill of women’s human rights” (Bunch 1990) and a unique “resource for advocates of equality framing their arguments in both international and national regimes” (Resnik 2011, 538). However, at the time of CEDAW’s ratification, the global women’s movement was “dismissive” of the treaty (Reilly 2009, 46). In practice, most women’s organisations (from the Global South in particular) paid little attention to the drafting process and adoption of CEDAW, and rather prioritised the inclusion of women’s interests in UN development programmes versus pursuits in women’s formal legal equality³¹.

Regardless of early, mixed responses to CEDAW, it is important to note the salience of CEDAW and the uniqueness of its content. Reflecting the influence of the Decade, CEDAW’s provisions cover a range of issues affecting women’s lives: women’s equality before the law (Article 15, consistent with the previous long-standing objectives of the CSW), in public and political life (Article 7 and Article 8), nationality and marriage/family life (Article 9 and Article 16) and in access to education and employment (Article 10 and Article 11). Provisions also reflect a more expansive view of rights in the context of development, including the rights of rural women (Article 11) and access to healthcare/family planning (Article 12)³². While an “ambitious” convention in terms of its objectives, CEDAW gained important new ground in both recognising “women as rights-holders” and broadening the very content of what are considered human rights (Resnik 2011, 537-38).

In many ways, CEDAW contests the hierarchical ordering of mainstream human rights as first generation (civil and political) over the second generation (economic, social and cultural) (Reilly 2009). This reflected so-called “second-wave” feminist thinking, categorised by the slogan “the personal is the political”. Feminists sought to expose the ways in which the socially and legally-constructed private sphere obscures violations of women’s human rights, and in particular concerning the right to be free from violence and the right to reproductive health. This involves expanding an understanding of rights violations as not only perpetrated by states, but also private individuals.

³¹ While embraced as a legitimate legal mechanism by some feminist law advocates, CEDAW was seen as “exceptionally ineffectual” (Reilly 2009, 62) compared to other international treaties at the time. Massively under resourced, there was a differential treaty-monitoring system and no individual complaints procedure (unlike other international conventions, such as those concerning civil and political rights and torture). The CEDAW Committee met only once a year in New York (as opposed to other human rights mechanisms that met regularly in Geneva). For a detailed account on CEDAW’s early deficiencies in early years, see Reilly 2009, p 60-66, and Copelon 2003.

³² *Convention on the Elimination of All Forms of Discrimination against Women*. UNGA, 34th Session: (18 December 1979) UN Doc: A/RES/34/180.

Integrating violations against women in the private sphere as within the purview of human rights discourse became the primary focus of many international feminist agendas in the 1990s and 2000s and led to further transformations in the language of rights. For example, CEDAW did not include a definition of violence against women in its original text. However in 1992 the CEDAW Committee adopted General Recommendation 19 concerning “violence against women” which stated: “gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men” (UN Women 2017). Understanding violence against women as a human rights abuse became the hallmark of feminist engagement in the human rights project.

The women's human rights movement of the 1990s

In 1991, the UN announced that a Second World Conference on Human Rights would take place in Vienna in June 1993. However, the proposed UN agenda for the Conference did not include reference to women or gender-specific issues in its programme. Women's rights advocates, grassroots campaigners and local and international NGOs from around the globe mobilised on this point, and by 1993 “women's human rights” became “one of the most discussed topics in the international human rights community” (Reilly 2009, 73). A significant actor in these efforts was the Centre for Women's Global Leadership (CWGL), established in 1989 and based at Rutgers University in New Jersey. The CWGL served as the “coordination point” for what became the Global Campaign for Women's Human Rights (GCWHR) (Friedman 1995, 29). The GCWHR adamantly campaigned for the representation of women's rights issues in Vienna, and in particular “that violence against women be recognised as a human rights violation” (Bunch 2001, 137).

Through tactical cooperation and intense campaigning, women's human rights advocates succeeded in a “seizure” of the Vienna Conference, and during the 11-day event over 60 workshops, lectures and seminars took place specially addressing women's issues (Friedman 1995, 30). The most visible illustration of this success was the Global Tribunal on Women's Human Rights. Hosted by the GCWHR, the Tribunal heard the personal testimonies of 33 women from all over the world who had experienced abuse of their “human rights” (Ackerly and Okin 1990; Bunch and Reilly 1994). The testimonies ranged thematically from cases of human rights abuse in the family, war crimes against women, violations of bodily integrity, violations of women's socio-economic rights, and political persecution and discrimination (Bunch and Reilly

1994). In the end, the Tribunal's privileging of the voices of women demonstrated the indivisibility of *all* human rights. Advocates called for states to hold *both* non-state and state actors accountable for violating human rights, and pressed states to deliver on socio-economic rights in addition to civil and political (Bunch and Reilly 1994). In this manner the Tribunal underlined how the realisation of "women's human rights" will only be possible through an active resistance to unjust socio-economic policies and structures.

Despite efforts of the women's human rights advocates in Vienna, the importance of women's economic, social and cultural rights, including the right to development, have not achieved the same gains as those efforts to recognise violence against women within the international human rights project. However, Vienna undoubtedly served as a pivotal moment of feminist intervention into the human rights project³³. This is demonstrated in the "Vienna Declaration and Programme of Action"³⁴, which marked the first formal UN Declaration that: "women's rights are human rights". In addition, the momentum of Vienna resulted in the adoption a UN Special Rapporteur on Violence against Women (1994)³⁵ and the UN General Assembly Declaration on the Elimination of Violence against Women (1993)³⁶. These provisions recognised "violence against women" in international human rights law.

After the successes of Vienna, the women's human rights movement wanted to ensure that women's initiatives were at the forefront of other UN Conferences. In particular, the Women's Global Network for Reproductive Rights (WGNRR) actively campaigned during the International Conference on Population and Development in Cairo in 1994. The transnational feminist network, led by activists from the Global South, collaborated with the GCWHR to use rights-based approaches to advocating for women's reproductive rights (Reilly 2009). The "frame" of reproductive health rights encompasses a wide-range of services with respect to family planning, maternity health as well as access to contraception and abortion services (Cook 1995; Joachim 2003). As a result of these efforts, the Cairo Programme of Action recognises the "inalienability"

³³ For more information on the GCWHR and feminist advocacy efforts before, during and after the Second World Conference in Vienna see: Bunch and Reilly 1994; Reilly 2009 (Chapter 4); Bunch 2001 and Friedman 1995.

³⁴ *Vienna Declaration and Programme of Action*. UN GAOR, World Conference on Human Rights, 48th Session: UN Doc. A/CONF.157/23.

³⁵ Mandate established with the UNCHR resolution 1994/45 (adopted on 4 March 1994). Radhika Coomaraswamy from Sri Lanka was the first UN Special Rapporteur "violence against women, its causes and consequences". The Commission renewed the mandate of the Rapporteur in 2003, as did the Human Rights Council in 2006 and 2016 (OHCHR 2017b). With this mandate, violence against women was solidified as a direct violation of women's human rights.

³⁶ The UN General Assembly Declaration on the Elimination of Violence against Women (DEVAW), 48th Session: (20 December 1993) UN Doc: A/RES/48/104.

of reproductive health rights, calling for “the provision of universal access to reproductive health services, including family planning and sexual health...”³⁷

According to Rosalind Pollack Petchesky, the Cairo Programme of Action also marked a “defeat” of conservative religious groups led by the Holy See who “threatened” certain agendas, advocating for a “traditional patriarchal view of family, reproduction and sexuality” (Petchesky 1995, 152-153). In the end, the Cairo Programme “explicitly recognises the human rights principles of respect for bodily integrity and security of the person as basic underpinnings of reproductive and sexual health and rights” (Petchesky 1995, 154).

Following from Vienna and Cairo, the 1995 4th World Conference on Women in Beijing and subsequent Beijing Declaration and Platform for Action is recognised as “the most comprehensive global governmental agreement to date on the status of women” (Reilly 2009, 88). The Beijing Platform for Action built directly on the Cairo Programme in that it recognised the fundamental “human right to sexual freedom” (Petchesky 1995, 155). It also devoted a special section to elimination of violence against women, seen as an impediment to the realisation of women’s rights to development, equality and peace. The then UN Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, claimed a “major victory in Beijing” was the recognition of rape during armed conflict as a war crime, allowing survivors the right to compensation for previous crimes (Coomaraswamy 1996). The language used in the Beijing Platform for Action signals a “near-universal acceptance” (Coomaraswamy 1996) of violence against women in international human rights law³⁸. Since 1995, the Commission on the Status of Women (CSW) has monitored individual state implementation of the Beijing Platform for Action in its annual meetings (Reilly 2009). There also have been UN meetings marking “Beijing plus 5” (2000), “plus 10” (2005), “plus 15” (2010) and “plus 20” (2015), which serve as attempts to probe governments into renewing their commitments to the 1995 Beijing Platform of Action. This has been met repeatedly with resistance by certain states³⁹, and despite some new progressions during these events (such as naming “honour crimes” as a form of violence against women in 2000), the women’s human

³⁷ *International Conference on Population and Development Programme of Action: Twentieth Anniversary Edition* (2014), UN Population Fund (UNPF) pp. 211 – 212.

³⁸ Beijing also witnessed the emergence of a strong alliance of “conservative actors” who, since 1995, have worked to block any formal UN recognition of the right of women to access free, safe and legal abortion services, as well as rights of sexual minorities. This alliance is comprised of conservative Christian sects (led by the Vatican), Orthodox Jews and Islamic groups, who oftentimes partner with sympathetic UN member states (such as Sudan, Saudi Arabia, Iran and Libya). For more information see: Friedman 2003 and Buss 2004.

³⁹ An example being the United States “playing a leading role in obstructing the adoption” (Reilly 2009, 89) of the Beijing Platform in 2005. Issues related to reproductive health and abortion were particularly contentious.

rights movement has not maintained the same level of political support and international commitment from states since 1995 (Reilly 2009).

In addition, there are also several critics of the transnational feminist movement in the 1990s and beyond. These critiques, such as those of Inderpal Grewal have claimed that the movement has strong neo-imperial tendencies and unwarranted claims of “moral superiority” (Grewal 2005, 152). However, Reilly has argued that Grewal’s claims fail to take into account the grassroots engagement of the Global Campaign for Women’s Human Rights in both the Global South and North, as well as the bottom-up, praxis-orientated methodologies of the movement. This, Reilly argues, is specifically related to campaign strategies pursued from 1991 to 1993, such as the Tribunals which Grewal critiques (Reilly 2011). At the same time, it is evident that human rights/feminist language has been adopted by many European countries to justify neo-imperial and oppressive agendas, such as the regulation and restriction of modes of Muslim women’s dress (Reilly 2011). Political rhetoric centred on “saving women” has been prominent in a post-9/11 context in order to legitimise military intervention, for example, in Iraq and Afghanistan (Abu-Lughod 2002). It is important to challenge this (mis)interpretation of women’s human rights expressed predominately in western political discourses.

While acknowledging critique, transnational feminist activism in the 1990s created new norms through which to revisit and explore the emancipatory and radical potential of human rights “from previously excluded positions” of people at the margins of power (Reilly 2011, 74). In so doing, they exposed and disrupted the male-biased, Western-centric and legalistic limitations of the human rights project on the whole. However, at this same moment, the UN Commission for Human Rights was debating the legal definition of “human rights defenders”. As discussed in Chapter 2, the HRD identity and framework refocuses attention towards “traditional” articulations of human rights, reinforcing the predominance of civil and political rights and the “naming and shaming” of repressive state regimes.

To conclude this section, I briefly unpack and expand upon three thematic tenets of the women’s human rights movement that coincide and/or depart from mainstream discourses promulgated within the human rights defender framework: the public-private divide, the right to reproductive health and violence against women and the indivisibility of human rights.

The public-private divide

The division of life and society into two separate and distinct “public” and “private” spheres is an organising concept of political life that has been extensively and critically discussed in feminist political theory and analysis of international human rights law (Okin 1998; Charlesworth and Chinkin 2000). According to Susan Moller Okin, “sometimes explicitly, but more often implicitly, the idea is perpetrated that these spheres are sufficiently separate, and sufficiently different, that the public or political can be discussed in isolation from the private or personal” (Okin 1998, 116). As discussed in Chapter 1, feminist social, political and legal scholars have comprehensively exposed and criticised the gendered implications of this binary. Rights abuses that take place in the private sphere, understood as the “world” of women, were traditionally invisible in human rights discourses and viewed as beyond the scope of public and state accountability. In the 1990s, the women’s human rights movement succeeded in problematising this thinking, and expanded human rights norms to better apply to women’s lived experiences. This included recognising violations of women’s rights perpetrated by private (non-state) actors as human rights violations.

Okin identifies two primary “ambiguities” (Okin 1998, 117) that have been exposed by feminist scholarship concerning traditional configurations of the public-private spheres. The first is a rigid “distinction” between state and society as well as between domestic and non-domestic life. According to Okin, “the state is (paradigmatically) public, and the family, domestic and intimate life are (again paradigmatically) private” (Okin 1998, 117). The second ambiguity within the public/domestic dichotomy, according to Okin, concerns the “sexual division of labour”. As Okin explains, “men are assumed to be chiefly responsible for the occupations of the sphere of economic and political life, and women with those of the private sphere of domesticity and reproduction” and as such “women have been regarded by nature [as] both unsuited to the public realm and rightly dependent on men and subordinated within the family” (Okin 1998, 118). This conceptualisation explains how distinctions that underpin the private follow women into the public sphere and the type of work they are expected or permitted to do (i.e. women’s labour: child care, hospice and nursing, teaching and so on).

The core discussion presented in this thesis builds on an understanding that mainstream associations of the public-private divide “hinder progress in advancing

substantive visions of human rights in women’s lives” (Reilly 2009, 30). HRD discourses (re)establish the public-private dichotomy in the privileging of civil and political rights and presenting the state as the primary opponent of a HRD’s activities. This valorisation of the public sphere is also visible in descriptions of “human rights defenders” as individual heroes who challenge the state *on behalf of* disenfranchised groups. This demonstrates how the HRD framework reverts to the traditional perceptions of “human rights” that were challenged by women’s human rights advocates in the 1990s. As I discuss later in this chapter, early proponents of the “women human rights defender” identity attempted to displace such thinking.

The right to reproductive health and violence against women

Feminist activists in the 1990s broadened definitions of “human rights” in order to include violence against women and the right to reproductive health under the purview of human rights discourse. These perspectives were shaped by radical feminist thinkers who prioritised women’s bodies as the site of women’s oppression and struggle (MacKinnon 1982; 2005; Jagger 1983). Transnational feminist advocacy was undoubtedly more successful in achieving the recognition of “violence against women” (VAW) by normative human rights frameworks and the United Nations than “the right to reproductive health”.

Both the Cairo Programme of Action (1994) and the Beijing Platform (1995) recognised women’s reproductive health rights as human rights (Petchescky 1995). However, since 1995 there has been a well-organised countermovement to these rights within the UN machinery, led by an alliance of conservative actors who repeatedly oppose measures that seemingly threaten “the structure of the family or allowing women full control over their reproductive systems or sexuality” (Friedman 2003, 323). According to Doris Buss, this alliance is “defined by an opposition to feminism”, reacting to the “feminist successes in the international realm” (Buss 2004, 73).

Despite this pushback, the monitoring bodies of international human rights treaties, in particular the ICCPR, ICESCR and CEDAW continually reference the impediment to reproductive health as a major obstacle in the realisation of women’s human rights. In addition, the UN Special Rapporteur on the right to health⁴⁰ reports on access to reproductive health regularly in their annual reports. The right to reproductive health

⁴⁰ Full title: “UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”. Position’s mandate was established in April 2002 by the Commission on Human Rights with resolution 2002/31. See (OHCHR 2017b) for more information.

remains a crucial aspect of the on-going women's human rights agenda. It is also a highly contested part of the women human rights defender paradigm, as activists who work in the area of reproductive health (as well as all activists working on "women's rights" issues) are frequently excluded in conversations on HRDs. This was particularly the case in the drafting of the UN General Assembly 2013 Resolution on "protecting women human rights defenders", which I discuss in detail in the following section. Reference to defenders of reproductive health rights as "women human rights defenders" was removed from the final text of the Resolution (UNGA 2014; UNGA 2013b).

In addition, despite early successes, since the 1990s the international human rights environment has proven to be inhospitable to developing "violence against women" in more detail, particularly in terms of recognising how violence intersects with and is multiplied by issues of structural and economic inequality. In a final position paper addressed to the United Nations and to governments after Vienna, women's human rights advocates from the Global Campaign for Women's Human Rights (GCWHR) recommended the creation of a new special mechanism, a "UN Special Rapporteur on the human rights of women" to carry on the progress made during the Vienna Conference and to "ensure that women's human rights are systemically recognized in all areas of the United Nation's work" (Bunch and Reilly 1994, 138). The UN Commission for Human Rights did establish a UN Special Rapporteur on VAW in March 1994, yet no such mechanism concerning "women's human rights" (holistically) has been adopted. Without undermining the significance of the creation of a mandate for violence against women, it is telling that this was the most accepted aspect of the women's human rights movement by the international human rights community. Understanding "violence against women" as a dominant narrative fits in with larger tropes within traditional rights discourses that understand women as "victims", produced and reproduced by particular "notions of women's sexual vulnerability" (Otto 2005, 106). This thinking has carried over to into popular perceptions of "women human rights defenders" within the HRD framework, as women are defined primarily in terms of perceptions of their increased physical vulnerability as opposed to men.

The indivisibility of *all* human rights

The Global Campaign for Women's Human Rights (GCWHR) focused on violence against women as a cross-cutting human rights concern connected to the understanding of all human rights as indivisible and interdependent. During the Vienna Conference,

significantly less attention was given to the GCWHR's focus on violations of women's socio-economic rights. According to Bunch and Reilly,

Neo-liberal policies and structural adjustment programmes, as well as continuing manifestations of colonialism, negate economic, social and cultural rights, and civil and political rights...where social and economic rights are denied and the state abdicates responsibility for assuring life and well-being (food, shelter, work, health, access to land and other economic recourses, welfare and education) women bear disproportionately the burden of sustaining life and livelihood. (Bunch and Reilly 1995, 141).

As such, women's human rights advocates supported economic rights and the right to development as fundamental to the realisation of "women's human rights". Recognising the indivisibility of human rights presents a challenge for traditional interpretations of human rights, specifically in terms of questioning the hierarchy of civil and political rights and disrupting ideas of the public sphere of social life as distinct from the private. In particular, advocating for state accountability in the private sphere "requires a considerable reorientation of human rights law" (Friedman 1995, 20). The HRD paradigm does not advocate or provide a space for such re-thinking. Rather, these articulations are left unopposed in popular HRD discourses. By focusing exclusively on individual champions of rights, the HRD framework does not question or challenge sources of hegemonic economic power. I posit that this has implicit and explicit gendered effects and conflicts with the primary objectives of feminist engagement in the international human rights project. In the next section I continue to expand upon these ideas as I trace the ways women's rights advocates "pushed into" discourses on human rights defenders, and the development of a "gender-specific" stream of the HRD framework.

3.3 Developing a "gender-stream" of the HRD framework

In this section I outline the key moments in the development of the HRD framework that led to an understanding of "women human rights defenders" in international human rights. These events foreground the on-going tensions between feminist perspectives and (women) human rights defender discourses. The "gender-perspective" (UNGA 2008) of the HRD framework is particularly concerned with the

vulnerabilities faced by women and this is the single most pervasive narrative in accounts of women human rights defenders (WHRDs). In 2004, the Office of the High Commissioner for Human Rights (OHCHR) published Fact Sheet 29: *Human Rights Defenders: protecting the right to defend human rights*⁴¹, a 50-page document outlining who exactly is a “human rights defender” and how the 1998 Declaration protects these individuals at risk. Under the sub-heading of “violations of human rights defenders”, the publication offers a brief initial overview of the “particular situation” of “women human rights defenders” (OHCHR 2004, 20). Here, WHRDs are defined as “female subjects” who work as human rights defenders. According to the Fact Sheet,

The State is the primary perpetrator of violations against human rights defenders. Women human rights defenders, however, have often found that their rights are violated by members of their own communities, who may resent and oppose their human rights activities, which some community leaders may see as challenging their perceptions of the traditional role of women. In such cases, State authorities have often failed to provide adequate protection for women defenders. (OHCHR 2004, 21)

Here, the language reflects that of the women’s human rights movement of the 1990s and draws attention to the role of those actors outside of the state who violate women’s rights. It also outlines the responsibility of “State authorities” to protect women in this regard. At the same time, the fixation on “community leaders” is consistent with those attitudes of pro-defender actors that understand the defence of human rights as fundamentally in conflict with ideas of “community”. The passage in Fact Sheet 29 continues,

*In many parts of the world, the traditional role of women is perceived as integral to a society’s culture. This can make it especially hard for women human rights defenders to question and oppose aspects of their tradition and culture when they violate human rights. **Female genital mutilation is a good example of such practices, although there are many others.** Similarly, many women are perceived by their communities as an extension of the community itself. **If a woman human rights defender is***

⁴¹ “Fact Sheets” are publications from the OHCHR that further discuss thematic human rights issues and international covenants, such as “The Right to Health” and “Individual Complaint Procedures under the United Nations Human Rights Treaties”. For a full list of OHCHR Fact Sheets, see: <http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>

the victim of a rape because of her human rights work she may be perceived by her extended family as having brought shame on both the family and the wider community. As a human rights defender she must carry the burden not only of the trauma of the rape, but also of the notion within her community that, through her human rights work, she has brought shame on those around her. Even where no rape or other attack has occurred, women who choose to be human rights defenders must often confront the anger of families and communities that consider them to be jeopardizing both honour and culture. (OHCHR 2004, 21) (my emphasis).

Fact Sheet 29 introduces the dominant way women are discussed in the HRD paradigm. It reveals and reiterates the prevailing pro-defender ideas towards “community” and “culture” as the primary obstacles for those (particularly women) who are working to defend human rights. Conversations concerning the plight of “women human rights defenders” centre on the ways associations of family and community pose the number one threat to women in the HRD framework. According to the discourse, the hostility that women encounter in their “human rights work” is predominantly related to their membership to “savage” and traditional (non-western) cultures and communities. The foremost examples of “rape” and “female genital mutilation” also reveal the connotations of “being female” and “being a victim”.

As discussed in Chapter 2, these inherently negative and non-contextualised views of culture reflect the arguments of Sally Engle Merry, who maintains that human rights norms view culture as a “static tradition” that hinders the realisation of women’s rights. She critiques how this rhetoric is particularly championed in the West to further blame “backwards” cultures for the disadvantages faced women, rather than examining other factors at work, such as the effects of globalisation and capitalism (Merry 2003). In my discussion I draw in particular on Merry’s argument concerning the need to recognise “the extent to which the human rights project is itself a cultural one, and that it can build upon culture rather than only resist it” (Merry 2003, 31).

As discussed in the previous section, while the women’s human rights movement did advocate for violence against women (VAW) as a pervasive human rights issue, it did so with an emphasis on the compounding effect of violence on “structural inequalities” (Bunch and Reilly 1994). As such, the naming of VAW as a “common concern” among women around the world “does not erase but emanates from the recognition of the

empirical forms and extent of *different experiences of differently situated women of VAW*" (Reilly 2011, 70). This counters what I argue is the "one-size fits all" narrative of increased susceptibility to sexual violence (exacerbated by ideas of women being located singularly in "non-western" places) assigned to women in the HRD framework. Also, such conversations of "community" and "family" feature in HRD discourse only to the extent that these conversations are about *women*. Men in the HRD framework seemingly do not "confront the anger of families and communities" (OHCHR 2004) in their human rights work. Men can therefore occupy the robust "human rights defender" subject without these ascriptions. I continue to expand upon these points in this section.

In the following discussion, I trace the key moments that led to the naming of "women human rights defenders" in the HRD paradigm since the 1998 Declaration. I continue to privilege the UN as a site of discursive practice as I draw my analysis from documentation submitted to the General Assembly, the Commission (prior to 2006) and the Human Rights Council. I also reference the contributions of international human rights NGOs and the establishment of the Women Human Rights Defender International Coalition. In so doing, I consider the on-going ambiguity concerning *who exactly is* a "women human rights defender". Part of this ambiguity is the routine interchangeable use of the terms "gender" and "women" within the HRD paradigm. Such language is consistent with many UN human rights programmes and other modes of international law, and has been widely problematised by feminist critics (Edwards 2011). In my discussion I deliberately use "women" in order to circumvent "gender" as pertaining solely to female sex bodies.

The Second Report of UN Special Rapporteur Hina Jilani

There have been three mandate holders of the title UN Special Rapporteur⁴² on the situation of human rights defenders: Hina Jilani (2000 – 2008), Margaret Sekaggya (2008 – 2014) and Michel Forst (2014 – present). As discussed in Chapter 2, the establishment of the special mechanism solidified conversations of human rights defenders within the UN system. Each year, consistent with the mandate, the Rapporteur submits reports to the Human Rights Council (prior to 2006 to the Commission), as well as the General Assembly. The reports summarise the activities

⁴² As I discuss in the previous chapter, this position was entitled: "Special Representative" until 2006, before being changed to "Special Rapporteur" under the mandate of the Human Rights Council. However, to avoid confusion I refer to the position uniformly as "Special Rapporteur" throughout this chapter.

completed the previous year, as well as special recommendations and insights concerning the global and regional situation of HRDs. Some reports contribute to broader thematic conversations, such as highlighting specific issues pertaining to defenders of economic, social and cultural rights (UNCHR 2006) or the need to strengthen national human rights institutions, or NHRIs to support HRDs on the ground (HRC 2013). Some reports pay special attention to WHRDs (2002, 2006, 2010 in particular), and others only mention “women” when breaking down statistics of the mandate’s activities the previous year⁴³. An analysis of these reports provides a window to how the “gender-stream” of the human rights defender framework has developed since the mandate’s adoption.

In her second report to the Commission, UN Special Rapporteur on the situation of human rights defenders, Hina Jilani addressed two primary “issues of concern” facing HRDs in their work: one was on the effects of 9/11 on defenders in certain regions and the other concerned the “specific” situation of women human rights defenders. This marked the first substantial distinction between men and women defenders from the United Nations. In her use of the term “women human rights defender”, Jilani refers to those human rights defenders who are women. In her report, Hina Jilani, who was a key protagonist in the Global Campaign for Women’s Human Rights (GCWHR), brings to bear the language and concerns of the women’s human rights movement. She says:

*Women defenders may arouse more hostility than their male colleagues because as women human rights defenders they may **defy cultural, religious or social norms** about femininity and the role of women in a particular country or society. In this context, not only may they face human rights violations for their work as human rights defenders, but **even more so** because of their gender and the fact that their work may run counter to societal stereotypes about women’s submissive nature, or challenge notions of the society about the status of women. Secondly, it is not unlikely that the hostility, harassment and repression women defenders face may themselves take a gender-specific form, ranging from, for example, verbal abuse directed exclusively at women because of their gender to sexual harassment and rape. (UNCHR 2002, 21) (my emphasis)*

⁴³ In Appendix D I discuss in-detail how I analysed the reports of the UN Special Rapporteurs.

Women HRDs in particular can “counter stereotypes” and “challenge notions of the society” in their activities as defenders. They “face human rights violations” in their activities as HRDs and “*even more so* because of their gender”, and the “gender-specific risks” range from verbal abuse to sexual violence. The report continues to highlight that “like men” women defenders work for the “human rights of all” (not uniquely women’s rights), and their work is “diverse” and “important” (UNCHR 2002, 20). In her report Jilani also mentions women who “assert their right to sexual and reproductive health” (UNCHR 2002, 22) as WHRDs. While Jilani draws attention to the risk of sexual violence and rape, this is not the dominant theme in her account of women in the framework.

Jilani’s 2002 report sparked an international conversation concerning the inclusion of women in the human rights defender space (Real and Chai 2006). Jilani’s report brings forward dominant language of the women’s human rights movement to these early definitions of “women human rights defenders”. It is important to note that Jilani’s report pre-dates the 2004 OHCHR Fact Sheet 29 (cited at the start of this section) and emphasises different ideas and points. While Jilani mentions how defending women’s rights can pose a “threat to patriarchy and as disruptive of cultural, religious and societal mores” (UNCHR 2002, 22), there is no mention of such “traditional” cultural ideas such as “female genital mutilation”, “shame” or “honour” in her report. In contrast, Fact Sheet 29 does not reference “patriarchy”, “gender norms” or “mores” at all (OHCHR 2004; UNCHR 2002).

Shortly after the release of Jilani’s report, women’s human rights NGOs began mobilising to launch a transnational network specifically concerning “women human rights defenders”. I continue tracing the “gender-specific” aspects of human rights defenders by considering the establishment of this network: the Women Human Rights Defenders International Coalition.

The Women Human Rights Defenders International Coalition

On 29 November 2005, over 200 women from 70 countries met in Sri Lanka for a four-day International Consultation on Women Human Rights Defenders. The event was the result of a year-long international campaign to raise awareness of “women human rights defenders” (Real and Chai 2006). The campaign was supported by Hina Jilani, who was still the mandate holder for the UN Special Rapporteur at the time. The idea for the campaign emerged at an Asia-Pacific consultation in Bangkok in 2003, organised

by three major regional and international NGOs: Asia Pacific Forum on Women, Law and Development (APWLD), Amnesty International (AI) and International Women's Rights Action Watch Asia Pacific (IWRAP-AP) (Real 2011). In response to the recommendations made during the Consultation in 2005, the Women Human Rights Defender International Coalition (henceforth The Coalition) was founded in 2008. The on-going Coalition is a transnational network of NGOs focused on human rights, women's rights and LGBT⁴⁴ rights, working to support the activities of "women human rights defenders". As of May 2017, there are 35 member NGOs⁴⁵. According to the Coalition's website, it "provides a global network of support and solidarity" and is "a resource and advocacy network for women human rights defenders worldwide" (The Coalition 2017). The Coalition continues to champion the slogan, "defending women, defending rights", as a "play" on the previous "women's rights are human rights" (Real 2011) slogan of the women's human rights movement of the 1990s.

In 2005 members of the Consultation published the *Resource Book on Women Human Rights Defenders* (the *Resource Book*), a collection of papers/presentations made during the event and edited by Mary Jane Real and Michael Chai. The collection is extensive, displaying the breath and scope of conversations that took place during the 4-day consultation. It covers strategies for women when engaging with international mechanisms such as the International Criminal Court, addresses the risks posed to women defenders by both state and non-state actors and includes defenders of sexual rights in definitions of "women human rights defenders". The collection also includes a comprehensive overview of the resources available to women active in the field of "human rights defence" (Real and Chai 2006, 6). In the *Resource Book*, Charlotte Bunch outlines the definition of a "women human rights defender":

⁴⁴ The acronym LGBT stands for "lesbian, gay, bi-sexual and trans"; this was expanded in recent years to "LGBTI" to also include inter-sex persons.

⁴⁵ As of 2017, the 35 organisations in the WHRD IC: Amnesty International (AI), Asia Pacific Forum on Women, Law and Development (APWLD), Asian Forum for Human Rights and Development (FORUM ASIA), The Association for Progressive Communications Women's Rights Programme (APC WRP), Association for Women's Rights in Development (AWID), BAOBAB for Women's Human Rights (BAOBAB), Center for Women's Global Leadership (CWGL), Coalition of African Lesbians (CAL), International Federation for Human Rights (FIDH), Fondo de Acción Urgente América Latina, Frida the Young Feminist Fund, Front Line Defenders, Gulf Centre for Human Rights, Human Rights First, Information Monitor (INFORM), International Civil Society Network (ICAN), International Federation for Human Rights (FIDH), International Service for Human Rights (ISHR), International Women's Rights Action Watch Asia Pacific (IWRAP-AP), Isis International, ISIS Women's International Cross-Cultural Exchange (ISIS-WICCE), Just Associates (JASS), The Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), MADRE, MENA WHRD Coalition, Nazra for Feminist Studies, Nobel Women's Initiative (NWI), Peace Brigades International, Rainbow Rights Project (R-Rights), Inc., Society for Appraisal & Women, Empowerment in Rural Areas (SAWERA), Urgent Action Fund for Women's Human Rights (UAF), Urgent Action Fund Africa, Women Living under Muslim Laws (WLUML), Women's Global Network for Reproductive Rights, Women's Initiatives for Gender Justice (WIGJ), Women's Rehabilitation Centre (WOREC), World Organisation against Torture (OMCT) (From: The Coalition's Official Website: <http://www.defendingwomen-defendingrights.org/about/members/>)

It is not an accident that the term used in the campaign is ‘women human rights defenders’, not ‘women’s human rights defenders’. The concept conveys a dual meaning: The first meaning refers to women who are defending any and all human rights issues. They often face gender-specific abuse and violations in doing their work...What happens to them is often shaped by the fact that they are women, no matter what issue they are working on.

*The second meaning of women human rights defenders refers to women, **as well as men and LGBT activists**, who defend and advance gender and women specific issues, especially issues related to bodily integrity and sexual rights. They work on issues such as violence against women, reproductive rights, and LGBT rights. They are activists at risk because of their sex and their gender identities, as well as because of their political work. (Bunch 2006, 25-26) (my emphasis)*

The inclusion of men *and* women who defend the rights of women and LGBT persons under the umbrella of “women human rights defenders” caused confusion within the sessions of the Consultation, and marked a departure from the definition in Jilani’s 2002 report (Real 2011). According to Real, the motivation behind the definition was to help facilitate a “collective” to “advocate for the rights of both women and LGBT activists” (Real 2011, 221). This term effectively puts advocates for “women’s rights” and “sexual rights” under one category. However, in NGO practice, the inclusion of male/LGBTI activists under this label is rarely used (even by the Coalition), and since 2005 there has been an increased attention to LGBT human rights defenders as their own “group” of HRDs distinct from women (Front Line Defenders 2017; ISHR 2017a). Jilani did not adhere to this definition in her annual reports following the Coalition. For example in 2007 she outlined the specific situation of “defending the rights of lesbian, gay, bisexual, transgender and intersex persons” as distinct from “women human rights defenders” (HRC 2007).

According to Mary Jane Real, founding member and coordinator of the Coalition, there were “four thematic pillars” of the Consultation in 2005:

- (1) the call for the recognition of women human rights defenders;*
- (2) to direct attention to new forms of state violence in the context of the criminalization of political dissent;*

- (3) *to demand accountability of non-state actors as violators of human rights; and*
- (4) *to promote the issue of sexuality as a cross cutting human rights concern.* (Real 2011, 220)

The campaign was an extension of efforts to integrate concerns for “women’s rights” into human rights agendas, focusing on the human rights defender framework as a strategic means through which “to push women’s human rights from the margins to the centre” (Real 2011, 220). It was planned strategically in the same year as the 10th anniversary of the Beijing Platform for Action, in order to “build upon the progress” of the women’s human rights movement of the 1990s (Fernando 2006, 20).

The fact that these NGOs came together to support a coalition for women and LGBT activists reveals how these groups were *excluded* from previous “default” definitions of “human rights defenders”. International and regional NGOs leveraged the solidarity implicit in discourses of “women’s human rights” to challenge the core masculine and heteronormative bias of the HRD framework. However, the ambiguity of the all-encompassing category “women human rights defender” remains an on-going point of contention within human rights defender discourses.

Human Rights Council Resolution 7/8 and the Reports of UN Special Rapporteur Margaret Sekaggya

In 2008, the same year as the establishment of the Coalition, the Human Rights Council (HRC) adopted Resolution 7/8 and officially changed the name the Special Representative to Special Rapporteur. The HRC also extended and added a fourth element to the mandate; the Special Rapporteur is now required to: “To integrate a *gender perspective* throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders” (HRC 2008b, 2) (my emphasis). Margaret Sekaggya who became Special Rapporteur in 2008, commented on the extension of the “gender dimension” to her work in her first report to the UN General Assembly:

It is obvious that women defenders are more at risk of suffering certain forms of violence and that they are targeted by various parts of the social and political establishment with forms of prejudice, exclusion and repudiation, in particular when they work in the area of women’s rights (UNGA 2008, 12).

The risks faces by women in terms of “prejudice, exclusion and repudiation” suggests that women human rights defenders challenge certain norms and expectations throughout their work and the fact they are women. Commencing her mandate with this assertion reflects a certain alignment with the women’s human rights movement. However, Sekaggya also states that it is “*obvious that* women defenders are more at risk” than their male counterparts (my emphasis). This suggests that the distinction between male and female HRDs is based on automatic definitions of women’s increased exposure to “certain forms of violence”.

In later reports, Sekaggya foregrounds sexual violence and rape specifically as the primary reasons for making distinctions between men and women HRDs. “Women defenders *are most likely* to be subjected to certain forms of violence...such gender-based violence includes verbal and sexual harassment and *rape*” (HRC 2009b). “In addition to being threatened and harassed by militias, warlords and other armed groups, women human rights defenders are, in addition, *often subjected to rape* and other forms of sexual violence because of their work” (UNGA 2010, 12). “Women defenders face *a greater risk* of being subject to sexual harassment, sexual violence and *rape*” (HRC 2010, 20) (my emphasis). This centres women’s identities as human rights defenders as first and foremost connected to perceptions of the innate vulnerability of women’s bodies. This differs from Jilani’s 2002 report, wherein “rape” is not a central theme and “patriarchy” and “societal mores” are cited as integral to defining WHRDs.

Sekaggya’s 2010 report to the Human Rights Council states the following:

Female human rights defenders are subject to particular risks to which their male counterparts are not so greatly exposed, foremost among these being the risk of rape, sexual abuse, and other forms of sexual violence and harassment. During the 2004 – 2009 period, the mandate sent 26 communications regarding cases of rape, threatened rape, or other forms of sexual violence and harassment against women defenders. However, of these, six communications concerned abuses of this kind against LGBT activists. (HRC 16 – 17, 2010)

In this report, she cites only 26 (out of 734) cases over a 5 year span that related to “rape, threatened rape, **or** other forms of sexual violence and harassment” (with 6 of those cases dealing with male or female LGBTI defenders, the distinction between gender is not made). This figure is concerned with 26 out of a total of 734 “women

defenders” (as defined as above) who have received assistance under the mandate. In another part of this report to the HRC, Sekaggya states:

*Further, in certain contexts, if a women human rights defender is subjected to rape or sexual abuse as a result of her work, she may be perceived **by her extended family as having brought shame on both the family and the wider community*** (OHCHR 2004, as cited by HRC 2010, 6) (my emphasis).

At the conclusion of this statement, the report cites Fact Sheet 29 (as referenced earlier in this section). Importantly, Sekaggya does not cite as evidence to this claim previous cases taken up by her mandate or by her predecessor Hina Jilani. This statement repeats the implicit negative associations with family and private life for women in the HRD framework. While not downplaying the occurrences of such threats and instances of “rape” to women who are defending human rights, or defenders of LGBT rights, I posit that the representation of this issue as the most pervasive risk faced by WHRDs in their work is questionable.

In her 2010 report, Sekaggya also deploys the all-encompassing term of women human rights defender set forth by the Coalition, including “female defenders but also male human rights defenders working on women’s rights as well as on gender issues” (HRC 2010, 7). Her successor, Michel Forst, will also deploy this definition in his reports. However, in practice “women human rights defender” continues to predominately refer to “human rights defenders who are women” by international NGOs (Front Line Defenders 2017; ISHR 2017a). This contestation reveals the on-going confusion surrounding the term “women human rights defender”.

The 2013 Resolution on protecting women human rights defenders

In November 2013, marking 15 years since the adoption of the 1998 Declaration on Human Rights Defenders, the UN General Assembly Third Committee⁴⁶ adopted its first-ever “resolution” on women human rights defenders. This is the most significant development of the gender-stream of the HRD framework. Since 1998, there have been three General Assembly resolutions concerning the situation of human rights defenders, including the *Promotion of the Declaration on the Right and Responsibility of*

⁴⁶ There are 6 primary committees in the UN General Assembly: Disarmament and International Security Committee (First Committee); Economic and Financial Committee (Second Committee); Social, Humanitarian and Cultural Committee (Third Committee); Special Political and Decolonization Committee (Fourth Committee); Administrative and Budgetary Committee (Fifth Committee); Legal Committee (Sixth Committee)

Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms: protecting women human rights defenders (henceforth, the 2013 Resolution)⁴⁷. The 2013 Resolution was celebrated as an “important step forward” (Tolmay and Viana 2013, 1) in the recognition of WHRDs in international discourse. Significantly, the preambular clauses of the 2013 Resolution make specific reference to the 1993 Vienna Declaration and Programme of Action, the 1994 Declaration on the Elimination of Violence against Women, the 1994 Programme of Action of the Cairo International Conference on Population and Development as well as the 1995 Beijing Declaration and Platform for Action (UNGA 2014). However, like the 1998 Declaration, certain provisions of the 2013 Resolution were highly contested, and the final document was viewed as a “compromise” (UNGA 2013a, 23) between objector and pro-defender state delegates in the UN.

There were two early drafts of the 2013 Resolution in addition to the final text⁴⁸. The main objector states included: China, Russia, Qatar, Kuwait, Iran, Iraq, Yemen, Saudi Arabia, Singapore, the African Group as well as the Vatican (Tolmay and Viana 2013). The first draft was proposed on the 4 November 2013 by the delegation from Norway and co-sponsored by 17 States⁴⁹ (UNGA 2013b). The document was an amalgamation of months of collaborative effort, including the support and contribution from international NGOs and other interested actors outside the UN mechanism. It was met with fierce opposition when presented to the General Assembly for adoption, in particular concerning the inclusion of articles on defenders of reproductive health rights, state obligations under international law and cultural practices (ISHR 2013; Agence French Press 2013). Oral debates took place – and a second, revised draft was re-submitted for consideration on the 21 November 2013, this time supported by 56 member States⁵⁰. The delegate from Cameroon proposed 12 amendments to the second revised draft right at the moment of its adoption, hindering the adoption process and calling for last minute changes to what had been perceived as a previously-agreed upon

⁴⁷ UN General Assembly Resolution 68/181.

⁴⁸ The UN Document numbers for the three drafts I reference in this discussion are as follows, Draft 1 (4 November 2013): A/C.3/68/L.64 and Draft 2 (21 November 2013): A/C.3/68/L.64/Rev.1 and Final draft (30 January 2014): A/RES/68/181

⁴⁹ Albania, Argentina, Australia, Bosnia and Herzegovina, El Salvador, Guatemala, Iceland, Ireland, Jordan, Liechtenstein, Mexico, Montenegro, New Zealand, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and Turkey

⁵⁰ Afghanistan, Albania, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mexico, Montenegro, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Vanuatu

text (UNGA 2013a). These proposals were supported by a coalition of objecting states, including: China, Democratic People’s Republic of Korea, Gabon, Iran (Islamic Republic of), Iraq, Kuwait, Qatar, Russian Federation, Saudi Arabia and Singapore (UNGA 2013d).

A noticeable change from the first draft to the second was the deletion of the following preambular clause:

*[This Resolution] reiterates the right of anyone, individually and in association with others, to defend the human rights of women, and urges States to promote and protect the human rights of all women, including their right to have control over and decide freely and responsibly on matters related to **their sexuality, including sexual and reproductive health**, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes which protect and enable their enjoyment of all human rights and freedoms, including their **reproductive rights** in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and their review outcomes (UNGA 2013b, 4) (my emphasis).*

The inclusion of this paragraph in the original draft of the 2013 Resolution reveals a commitment to the objectives of the 1990s women’s human rights movement, and the recognition of reproductive health activists as women human rights defenders. The deletion signals how this aspect of the women’s human rights movement is highly contested in HRD discourses, and how these contestations impact the type of “women who are human rights defenders” most welcome in the HRD framework. Generally it is uncommon to see a reproductive health rights activist being named a “human rights defender” in popular defender discourses – although this is changing somewhat in recent years (OHCHR 2017e). Yet the removal of language relating to reproductive health rights exposes a form of discursive “closure” within the defender paradigm, and the exclusion of this type of women HRDs.

Additional objections to early drafts of the 2013 Resolution called for particular changes reiterating the supremacy of national legislation in the affairs of WHRDs. For example, operative paragraph 10 of the first two drafts read: “(this Resolution) underlines the fundamental principle of the independence of the judiciary, and that procedural safeguards must be in place in accordance with international human rights law” (UNGA 2013c, 4). The coalition of objector states demanded the changing of the

phrase to: “in accordance *with States’ obligations under international human rights law*” (UNGA 2013d) (my emphasis). This change was made in the final text. The objecting states also succeeded in adding the same phrase (see bold) in another area of the final draft:

*Underlining the need for all appropriate measures to be taken to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and other practices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women, **in accordance with States’ obligations and commitments under international human rights law**, thereby addressing harmful attitudes, customs, practices and gender stereotypes that underlie and perpetuate violence against women, including women human rights defenders* (UNGA 2014, 3; UNGA 2013d).

Pro-defender states and NGOs were highly disappointed by this alternative text, saying that it permitted states to invoke “any customs, tradition or religious consideration to avoid obligations related to the elimination of violence against women” (ISHR 2013, 1). I question the logic of these states and NGOs in this case and argue that this formulation gives plenty of scope to challenge anti-human rights behaviours. It in particular highlights the “stereotyped roles for men and women”. Pro-defender states and NGOs also argued that including such a provision permitted states to only take “all appropriate measures” to modify harmful cultural behaviour only as they were “in accordance with” states’ previous commitments. Again, I maintain that the final wording of the Resolution is not necessarily negative and safeguards against external imposition. This relates to the battle for “universalism” within human rights discourses, and how most pro-defender actors see “the universal” and “the local” as a polarised binary. The bottom-up embrace of human rights must come from inside states themselves. In addition, the pro-defender concern with the effects of culture on the realisation of women’s human rights is consistent with the bias of the broader human rights project. Arguments made in the name of “saving women” from “harmful (cultural) attitudes” are oftentimes used to serve certain regressive political purposes (Reilly 2011; 2009).

It is important to note that in the final text of the 2013 Resolution, the identity of a “women human rights defender” is strongly associated with themes of physical threat and violence. Susceptibility to violence is mentioned more often than other categories of “risks” faced by women defenders. Notably, the term “violence” is only found twice in

the 1998 Declaration on HRDs (UNGA 1998), and five times in the most recent 2015 UN General Assembly Resolution concerning human rights defenders⁵¹ (UNGA 2015). In contrast, there are 23 references to physical “violence” in the 2013 Resolution on WHRDs, with seven references to general “violence” and women human rights defenders, eight references concerning “gender-based violence”, six mentions of “sexual violence” and “rape”, and three incidences mentioning “violence against women” (UNGA 2014). Importantly, I compare this to the *five* references to “social norms”, “stereotyped roles” and “social barriers” as influencing the risks faced by women defenders. There is also no reference to the term “patriarchy” in the draft text (UNGA 2014).

As such, the Resolution states that women human rights defenders are “at risk of and suffer from violations and abuses”; “can experience gender-based violence, rape and other forms of sexual violence”; suffer from “stigmatisation that may result from such violations and abuses”; face a “vulnerability to violence” as well as “particular risks”; “are victims of sexual and other forms of violence” and so on (UNGA 2014, 2-7). The Resolution calls on states to “empower women” and strengthen “gender-sensitive public policies and programmes that support and protect women human rights defenders...while also extending protection measures to their relatives, including children” (UNGA 2014, 6). States are also urged to “implement” Security Council Resolutions 1325 and 1820⁵² on women, peace and security while also “ensuring the inclusion of sexual violence in the definition of acts prohibited by ceasefires” (UNGA 2014, 6).

The 2013 Resolution further reveals the ambiguity of defining a women human rights defender in practice. Human rights discourses have the tendency to promulgate a view of “marginalised female subject positions” (Otto 2005, 107), and such viewpoints extend into the human rights defender framework. By over-emphasising violence, in the 2013 Resolution falls into step with other human rights instruments that cast “women as victims”, “with ‘special’ needs and requiring ‘special’ measures to protect them” (Otto 2005, 101). This conception is continually in tension with the heroic “agent

⁵¹ UNGA Resolution 70/161 entitled: *Human rights defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. Of these 5 references to violence, 3 of them were found in specific clauses concerning women human rights defenders. In addition, the Resolution features 0 references to gender-based violence, and 0 references to rape/sexual violence.

⁵² Security Council Resolutions on Women, Peace and Security 1325 adopted in 2000; UN doc S/RES/1325 (31 October 2000) and Security Council Resolution 1820 adopted in 2008; UN doc S/RES/1820 (19 June 2008).

of change” at the core of human rights defender discourses. The 2013 Resolution reveals the definition of a “women human rights defender” as privileged in international human rights law, and the strong associations of this identity to gendered connotations of “vulnerability” (UNGA 2014, 3).

The “women human rights defender” identity is the space in the HRD paradigm assigned to “gender-specific” concerns. I argue that this space is discursively limited insofar as it adheres and is bound to the surrounding dimensions of HRD framework. There have been significant progressions in terms of recognising women as “human rights defenders”, as demonstrated in the reports of the UN Special Rapporteur mandate holders Hina Jilani and Margaret Sekaggya, the establishment of the International Coalition in 2008 and the 2013 Resolution. These advances are noteworthy and have shaped the inclusion of “gender” within the HRD paradigm on the whole. Yet, despite these moments of inclusion, I argue that there remains a deep aversion to feminist thought within HRD discourses. This is exemplified in *how* and *to what extent* women have entered and are given a place in HRD discourses: predominately in terms of essentialised ideas of women’s “victimhood” and as the “Other” “vulnerable” group of defenders as compared to men. As such, any emphasis on “women human rights defenders” remains an aside to the dominant “human rights defender”. I look closely at these discursive constructs in the following section.

3.4 Women’s human rights and WHRDs

As mentioned previously in this chapter, the women’s human rights agenda builds upon the work of early advocates who sought recognition of women’s rights and gender equality in international human rights law on par with men in public life and vis-à-vis the state. Over time, the objectives of the women’s movement expanded beyond claims in the public sphere to seek recognition of women’s rights abuses in private life, specifically concerning violence against women and reproductive health. In so doing, women’s human rights advocates have succeeded in expanding the definitions of rights and challenging forms of binary thinking within the mainstream human rights project.

Despite the initial framing of the WHRD paradigm as an extension of the women’s human rights project, the former in this current moment appears to be reluctant to identify with feminist critique and engagement. There are significant philosophical

differences and points of contestation between these seemingly complementary discourses within international human rights. The ambiguity of the term “women human rights defender” itself is indicative of these tensions. In the following discussion I unpack four primary thematic areas in which these tensions are visible: *women as victims, the ambiguity of the term “women human rights defender”, top-down interpretations of universality and the individual hero.*

Women as victims

The women human rights defender identity is a space within the wider human rights defender paradigm allocated to women and women’s experiences. It exists on the margins of the HRD framework as the “Other”, the “most exposed” group of defenders, in contrast to the proper HRD. Even the title of the 2013 Resolution: “*protecting women human rights defenders*” (UNGA 2014) reveals this bias and portrays women’s subjectivity as intertwined with the “victim subject in need of rescue” (Otto 2005, 114). While early advocates for the “women human rights defender” identity championed the capabilities of women in this space, who face challenges in their “diverse” and “important” (UNCHR 2002, 20) work for human rights, these narratives have been overshadowed by more recent popular perceptions of women in the HRD framework as “victims”.

Since 2010, when women enter into human rights defender discourses they are ascribed with an increased susceptibility to physical and sexual violence as compared to their male counterparts. For example, in a press release entitled: “Fighting While Female: Gendered Attacks on Women Human Rights Defenders”, the international NGO Front Line Defenders stated the following:

*Attacks on WHRDs are motivated by both their work and their gender. As human rights defenders, they endure types of attacks **traditionally perpetrated against women** - such as **rape, sexualised defamation campaigns, and acid-attacks**...The identities “woman” and “human rights defender” are unique and intersecting, and WHRDs **occupy a life-threatening position** at their intersection. (Front Line Defenders 2016)
(my emphasis)*

The statement reflects the hyperbolic language commonly used by gatekeepers in the human rights defender framework. The idea of “rape” as an attack “traditionally perpetrated against women” reveals the understanding of female bodies (seen in the

title of the article: “Fighting While Female”) as fundamentally vulnerable to sexual violence. Women “occupy a life-threatening position” when they choose to be human rights defenders. This reaffirms the “conflation” within international human rights project “of victimhood with the vulnerable female subject” (Ní Aoláin 2015, 460). While these discourses can serve a political purpose, the trouble arises when these assignments of “embodied vulnerability” are ascribed unequally on certain populations as compared with others. These discourses also leave invisible many other social and political factors that influence “vulnerability”, as well as the possible susceptibility of male bodies to sexual violence. I return to this point in the following chapter.

I argue that such discursive practices underpin the heroic defender identity as masculine and residualise women and women’s experiences within the paradigm itself. While the women’s human rights movement did advocate for violence against women as a pervasive human rights issue, it did so with equal emphasis on the intersectional effect of violence on women’s socio-economic status and the realisation of *all* human rights (Bunch and Reilly 1994). Women’s human rights discourses also stressed the prevalence of rigid gender norms as a significant obstacle to achieving women’s equality. They highlighted the existence of these norms not just in “traditional” cultures of the Global South, but also in countries in the West and Global North (Bunch and Reilly 1994). Defining women singularly as victims in the name of promoting “women’s human rights” is a lazy and inaccurate testament to the breadth and scope of the objectives of the 1990s women’s human rights movement.

Ambiguity of the term “women human rights defender”

The ambiguity around the name “women human rights defender” reveals a fundamental discursive obstacle for women, and the difficulty of sitting in the discourse even nominally. There are four interpretations of this term that I have come across in my work and research:

1. Women human rights defenders as women who work on issues related to women’s rights. This is the most common interpretation by grassroots women activists and human rights NGOs.
2. Women human rights defenders being *all* women *who are* HRDs. This is most commonly used by human rights NGOs (outside the UN).
3. Women human rights defenders as persons of *all* genders who work on issues pertaining to women’s rights. This interpretation is seen the least

frequently of the four, occasionally by international NGOs who work with women’s human rights exclusively.⁵³

4. And finally the umbrella term of “women human rights defender” that includes women and LGBTI defenders. This definition has been used in the reports by the UN Special Rapporteurs Margaret Sekaggya and Michel Forst, but not other gatekeepers in the framework – including the International Coalition on Women Human Rights Defenders.

This lack of cohesion in the discourse reveals both the identity’s contested meaning and its residual status. These points are further demonstrated by the fact that most visible “women” in the HRD framework are not named as “women human rights defenders” at all. For example, Lidia Yusupova, a female human rights lawyer in Chechnya, is a 2004 Nobel laureate of the Martin Ennals Award (MEA) for Human Rights Defenders. The MEA website labels her a “human rights defender”⁵⁴. In July 2017, Front Line Defenders published information on the case of Vietnamese activist Tran Thi Nga, who was sentenced to nine years imprisonment as a result of her “human rights work”. In the article, Nga is identified as a “women” and named a “human rights defender”⁵⁵. This is commonly seen in the naming of women as human rights defenders by international human rights NGOs invested in the HRD framework who do not focus on “women’s issues” in particular.

Also, women’s rights activists are much less visible than those women who work in those “traditional” (and public) human rights defender occupations: lawyers, media professionals and journalists (HRC 2010). Women working on issues pertaining to women’s rights are not nearly as present in the framework as those activists who work in “typical” HRD occupations and on areas related to civil and political rights.

The conflation of LGBTI defenders and women’s rights activists is a further example of this ambiguity. According to the 2017 report of current UN Special Rapporteur Michel Forst, “women human rights defenders include both female human rights defenders, and *any other human rights defenders working in the defence of women’s rights or on gender issues*” (HRC 2017b, 58) (my emphasis). This reflects the initial establishment of the Coalition in 2005 and the solidarity between LGBTI and women’s rights advocates.

⁵³ Such organisations include: Asia Pacific Forum on Women, Law and Development (APWLD); Association for Women’s Rights in Development (AWID); Just Associates (JASS); MENA WHRD Coalition; and Urgent Action Fund for Women’s Human Rights (UAF). These groups specifically work on issues related to “WHRDs”.

⁵⁴ MEA website on Lidia Yusupova: <http://www.martinennalsaward.org/hrd/lidia-yusupova/>

⁵⁵ As listed on the Front Line Defenders official website concerning the case of Vietnamese activist Tran Thi Nga: <https://www.frontlinedefenders.org/en/case/tran-thi-nga-arrested>

It also reveals that these groups were originally *excluded* in popular perceptions of human rights defenders, and the underlying heteronormative bias of the framework. Women's human rights advocates in the 1990s did "recognise discrimination and violence against women based on sexual orientation as a violation of human rights" (Bunch and Reilly 1994, 141). However, it is undoubtedly problematic when women-specific concerns become eclipsed in all-encompassing LGBTI initiatives. In particular, it renders invisible the particular concerns of lesbian women by mainstream human rights discourses (Sheill 2009; Formby 2011).

The on-going ambiguity concerning who is a "women human rights defender" in HRD discourses speaks to and reaffirms the underlying obscurity of "women" in this space.

Top-down interpretations of universality

According to the OHCHR, human rights defenders must "accept the universality of human rights" (OHCHR 2004, 9) in order to qualify as a human rights defender. In their assessment of human rights defenders in the occupied Palestinian territory, Raghad Jaraisy and Tamar Feldman highlight the complexity of such criterion: "Even when activists do not explicitly contest the 'universality of human rights' ...how does one show a positive 'acceptance' of this idea?" (Jaraisy and Feldman 2013, 427). In their article Jaraisy and Feldman provide an example of how top-down conceptualisations of universality become problematic in practice:

[Many Palestinian activists] promote national unity at the expense of some groups of Palestinian society, such as women...though women take part in the resistance, they do not take part in decision-making and do not hold any official positions. Prioritizing the national fight for self-determination over the battle for women's human rights, whether intentionally or not, in effect legitimizes the on-going violations of women's human rights, and undermines the female HRDs' ability to promote and protect those rights. (Jaraisy and Feldman 2013, 428)

Jaraisy and Feldman reveal how the "universal" activities of human rights defenders do not necessarily include the integration of women's human rights. This implies that women working for the realisation of "women's human rights" struggle on multiple fronts: to be recognised in their work by states *and* within local human rights networks. In such environments the HRD framework's reluctance to embracing feminist

perspectives is visible. Such an uncritical embrace of “universality” deflects the struggle for “women’s human rights” to the margins.

In addition, as I discussed in Chapter 2, pro-defender states perceive challenging local customs and cultures *as explicit in* the work of defending universal human rights. In conversations concerning women human rights defenders, the effect of “harmful attitudes, customs, practices” (UNGA 2014) on restricting the ability of women defenders to carry out their activities is commonplace. These tropes can serve to legitimise the idea of women (particularly from the Global South) as needing “saving” from their “traditional” cultures (UNCHR 2004). Such attitudes recognise culture as “holistic and static entities” (Merry 2003, 18). Feminist critiques of the human rights framework revealed the limitations of such thinking on women’s lived experiences. The fluidity of human rights in practice, both internal and external to the United Nations and other international human rights institutions, is continuously re-evaluated and contested in local settings and environments. In terms of moving forward to a more comprehensive assessment on the nature of rights, Niamh Reilly suggests that “...the relation between ‘the universal’ and ‘the particular’ is better understood as an on-going, multi-level process of negotiation, and not a fixed and polarized binary” (Reilly 2009, 36). I argue that current popular discourses concerning the robust defender of universal rights leave little space for this nuance.

The individual hero

In re-asserting the dominance of civil and political rights and the public sphere, the human rights defender framework re-inscribes the classic liberal bias that permeated the international human rights framework before feminist intervention in the 1990s. The subject of human rights defender discourses is an individual “speaking behalf of the weak, the vulnerable, and the disenfranchised” in their local communities (Gilmore 2011). This reflects the Kantian subject of the international human rights project: rational, self-determining and autonomous (Reilly 2009). Recent popular discourses on WHRDs do not challenge these inceptions, and women *are present* in the HRD framework *insofar as* they themselves reflect these perceptions; that is, the women who access the HRD framework tend to be recognised as individuals who work on civil and political rights. This is seen in the cases concerning “women human rights defenders” taken up by NGOs as well as the UN Special Rapporteur (Front Line Defenders 2017; HRC 2014; 2017b).

The 2014 – 2017 reports of the current UN Special Rapporteur on the situation of human rights defenders, Michel Forst, highly reflect the framework's increased emphasis on "the individual" in recent years.

The Special Rapporteur would like to do some case studies and focus more on individual testimonies in his messages to emphasize that ordinary heroes are first and foremost mere individuals motivated by their hope for a better world...

The hopes raised by that [1998] Declaration remain alive. The same is true of the legitimate aspirations of millions of people: to live in a society that is freer, more just, more egalitarian, and where every person is able to enjoy their human rights...

Those who are fighting for this to become a reality should be recognized as the heroes of our time...When human rights defenders are attacked, it is ultimately democracy that comes under threat. (HRC 2017a, 15 and 17)

Forst demonstrates how the HRD framework hails the human rights defender as heroic, courageous and as an "individual". Even though "groups and organs of society" are included in the official title of the 1998 Declaration, the HRD framework predominately addresses lone HRDs who are the "ordinary heroes" motivated by a "hope for a better world". Human rights defenders are integral to making society a "better" place: "freer, more just, more egalitarian".

Following suit, international NGOs frequently sponsor campaigns sponsored to raise awareness of the work of individual HRDs. Along with the growth of the HRD framework, the number of campaigns and awards for individual human rights defenders has increased dramatically in recent years. For example, the "Stand 4 Human Rights Defenders Campaign", a campaign that calls attention to a "human rights defender at risk" each month, from all over the world, started in 2014 and is organised by the Human Rights and Democracy Network in Brussels⁵⁶. The "Free Syria Voices" campaign, started in 2012 and supported by Amnesty International, the Euro-Mediterranean Human Rights Network, FIDH, Front Line Defenders, Human Rights Watch and Reporters Without Borders – works to highlight the cases of individual

⁵⁶ There are 49 member NGOs to the Human Rights and Democracy Network. For more information, see the campaign's website: <http://www.stand4humanrightsdefenders.eu/>

activists in Syria.⁵⁷ The focus on the individual is demonstrated in these campaigns and the allocation of resources to lone actors named as “human rights defenders”.

Conversely, the women’s human rights movement in the 1990s was one of transnational cooperation and solidarity. It reflected “a commitment to reciprocal, cross-boundaries dialogue in the formulation of any ‘common’ agendas and actions” as well as the “practical development of collaborative advocacy networks and strategies, above and below states, around concrete issues aimed at transforming conditions inimical to the substantive realisation of human rights” (Reilly 2011, 62). Such solidarity-based, dialectic approaches are largely absent in the “individual-focused” discourses of the human rights defender paradigm.

I argue that the reluctance of the “gender stream” of the HRD framework to embrace certain aspects of the women’s human rights movement of the 1990s speaks to an aversion of HRD discourses to feminist intervention. Women’s human rights advocates attempted to push into the HRD framework, but in so doing only made limited gains. These tensions foreground how some subject positions thrive in the “naming” of women as HRDs, while others are residualised. These points of contestation, and their on-going presence in the HRD framework and the wider human rights project, effect the subject positions available to women in their attempts to claim the discursive repertoire of “human rights defenders” as their own.

3.5 Conclusion

In this chapter I explored the descriptive context of the “gender-focused” discourse of the HRD paradigm and the emergence of the “women human rights defender”, and how these discourses embraced and deviated from the objectives of the women’s human rights movement of the 1990s. The women’s human rights movement moved beyond traditional liberal feminist perspectives concerning women’s representation in the public sphere. As such, the movement disrupted the prevailing binary thinking within the human rights project: particularly by re-evaluating “who” can violate (women’s) human rights, and “who” is accountable for respecting, protecting and fulfilling (women’s) human rights in practice. It offers a vision of human rights that pushes against narrow interpretations of state responsibility in the human rights system, and draws attention to the role of private and/or non-state actors. However, it stresses the

⁵⁷ For more information, see: <http://free-syrian-voices.org/>

responsibility of states in terms of holding non-state actors accountable and realising economic rights. By privileging women's experiences (seen for example, in the Vienna Tribunal for Women's Human Rights), women's rights advocates expanded the definitions of human rights, and demonstrated the importance of understanding the indivisibility of *all* human rights: economic, social and cultural as well as civil and political.

In contrast, the HRD framework is a quasi-legal mechanism that does not expand or challenge definitions of human rights. Rather, it uses "human rights" in terms of "rhetoric" only. It reverts back to traditional fixations of rights-discourse to those violations in the public sphere perpetrated by states that reflect "what men fear will happen to them" (Charlesworth and Chinkin 1993, 69). I posit that the underlining biases and points of contention of the framework restrict the possible subject positions for women. The "women human rights defender" identity is the space in the HRD paradigm allotted to women's experiences. There have been significant progressions in terms of recognising women human rights defenders since 1998, as seen in the reports of the UN Special Rapporteurs, the International Coalition and the 2013 Resolution. However, this identity is undoubtedly subsidiary within the wider paradigm. The overwhelming majority of those who identify as "human rights defenders" and gain access to the resources of the framework are men (HRC 2008; HRC 2017a).

In addition, when gendered distinctions are made in HRD discourses, women are typically defined in terms of their susceptibility to violence and their inherent sexual vulnerability. Such distinctions are demonstrated in the text of the 2013 Resolution. These essentialised understandings of women's vulnerability are promulgated in narratives throughout the wider human rights project. In addition, when discussing "women's issues", HRD discourses promote a reflexive negative reaction to associations of "family" and "community" and reiterates ideas of the "essential woman" who suffers at the hands "of culturally depraved or 'primitive' or 'backward' harms" (Edwards 2011, 75). This thinking promulgates a "West versus the rest" dimension to HRD discourses, and the framework's prioritisation of the human rights concerns of "Other" (non-western) cultural locations.

I do not contest the understanding of violence against women "as indicative of a lived common concern of women across borders" (Reilly 2011, 70). However, I posit that within the HRD framework the pervasiveness of such accounts further marginalise women in the discourse, as it stands in such sharp contrast to the agentic hero of HRD

discourses. Yes, the understanding of male coercion of women's bodies can be an emancipatory perspective in overcoming patriarchal norms. However, this focus also works to re-victimise women and leaves invisible the vulnerability of male bodies, as well as the moments when men face incidences of sexual violence. Along this vein, HRD discourses also leave unquestioned the effects of family life and community norms on men's lives. Are women the only actors in the HRD framework who are socially and culturally embedded? Are men not also members of families and communities? These tensions contribute to the extra discursive "work" required when women attempt to use the discursive repertoire of the human rights defender identity to describe themselves and their identities. I unpack these points further in the following chapters.

In Part II, I interrogated the historical, political and gendered dimensions of the human rights defender framework. These chapters traced the development of "human rights defenders" and "women human rights defenders" as categories in established international human rights discourse. In illuminating this ideological and political context, I shed light on the competing ideological frames present in discourses of human rights defenders. The contested meanings have pervaded the HRD paradigm since its inception, and I posit that they have had lasting implications for the ways in which women engage with and seek a place within the framework. I continue this discussion in Part III, looking at the core theoretical discussions that framed this research and analysis.

Part III: Literature Review and Methodology

In the next two chapters I unpack the analytical concepts and the epistemological locations that shaped the methods used for this project. This thesis scrutinises the nature of the space that is available for women in the human rights defender (HRD) community. Informed by feminist post-structuralist theory, I inquire into the construction of the HRD identity from the perspectives of women who self-identify as “women human rights defenders”. The project is unique in mainstream conversations on this topic and in the current debates in academia and practice.

The number of research initiatives focusing on human rights defenders has increased in recent years. In the November 2013 a Special Issue of the *Journal of Human Rights Practice* outlined the “Research Agenda for the Protection of Human Rights Defenders” (Nah et al 2013). The article highlights eight areas of research relevant to the policy and practice of protecting HRDs in their local contexts. These areas include:

The definition and use of the term: ‘human rights defender’; perceptions of risk, security and protection; culture, gender and diversity (with particular emphasis on protecting women human rights defenders); the use of legal and administrative mechanisms for repression; the effectiveness of protection mechanisms; strategies and tactics for protection; fostering enabling environments for the defence of human rights; and the impact of technology and digital security on HRDs. (Nah et al. 2013, 401)

The article expresses the dominant view and understanding in academic inquiry of “human rights defenders”, who are recognised uncritically as “agents of change” (Nah et al. 2013, 401). Such discussions focus on how the international community (the vast network of NGOs, regional and national institutions and the United Nations) can provide a better means of protecting human rights defenders. As such, these discussions engage with the HRD framework without interrogating the underpinning assumptions of the paradigm and its broader philosophical and ideological base.

In this part of the thesis I discuss the theories and methods of analysis used throughout the project, the project’s wider theoretical framework, as well as the process of empirical data collection and field work with women human rights defenders. In Chapter 4, I introduce the main aspects of feminist theory that formed the project’s

analytical framework. I discuss the prevailing understandings of vulnerability in the human rights defender paradigm which equate female embodiment with the risk of certain forms of physical harm. I interrogate these narrow assumptions with the goal of positing an alternative interpretation of vulnerability that foregrounds the interdependency of vulnerability and agency. I do this by deploying a lens of gender performativity and contesting the underlying conventions regarding the meaning of gender within the HRD framework.

In Chapter 5, I expand upon the broader epistemological framework in which this research is situated, at the intersection of “post-structuralist” and “feminist standpoint” perspectives. My research actively privileges women’s voices and narratives. The decision to focus uniquely on the experience of women who self-identify as part of the human rights defender framework is informed by a commitment to a feminist standpoint approach. Feminist standpoint theory justifies looking at voices from certain locations excluded from mainstream discourses. Therefore, the choice to privilege women’s voices (and not men’s) reflects my own observations of the on-going casual marginalisation of women in the framework. I carry out this research from a post-structuralist perspective, valuing the discursive “claim” to the HRD identity as particularly relevant in the framework. This perspective entails understanding what is said cannot be interpreted as “truth” and questioning the assumption of actors as autonomous agents and rational beings. These approaches form my analytical framework and shaped the methods chosen to gather data within the community of human rights defenders. This fusion of epistemological locations and critical gender and feminist theories found my project’s unique engagement into the discursive workings of the human rights defender framework.

Chapter 4

4.1 Theorising women, gender and identity in the human rights defender paradigm

This chapter explains the theoretical concepts used to scrutinise gendered, “female” subjectivity in the human rights defender paradigm. As discussed throughout this thesis, the “human rights defender” (HRD) in mainstream human rights discourse is presented and revered as an autonomous, rational agent of resistance or opposition against violations of human rights. The HRD is an internationally recognised actor whose activities are portrayed as essential to countering the oppressive state. The principles underpinning the human rights project more generally, specifically state sovereignty, universality and individual rights, are integral to this conception. Regarding gender, mainstream human rights discourse falls into step with a static understanding of gender identity. Women are routinely classified as a “vulnerable group” within human rights discursive framings and popular perceptions. This is evident in the HRD framework; women are repeatedly labelled as a “more vulnerable” (Barcia 2011; 2014; Real and Chai 2006) category of defenders as compared to men. Vulnerability in this context implicitly means violence and exposure to physical harm.

The following discussion is divided into three primary sections. First, I present Judith Butler’s concept of gender as performative – something a person does and is ascribed to them by public and social discourses, rather than something a person *is* biologically (Salih 2004). Ideas of gender as discursive practice are ontologically rooted in the post-structuralist view of subjectivity as in-process and fluid, never fully formed or complete (Lloyd 2005). In this section I look closely at these ideas and explain how they shape my analysis of the way gender norms work, and, potentially can be disrupted, in discourses on human rights defenders. In the second section, I examine “vulnerability” as the central concept in my analytical framework, and how human rights discourses ascribe notions of vulnerability to the “female” subject or embodied subject.

In the third section, I propose re-thinking vulnerability potentially as a discursive space of resistance. In this section I consider two moments when vulnerability and agency have the possibility of combining in transformative ways. The first is “female masculinity” which entails the subversive assertion of ownership and occupation of

masculine subject positions and locations as a woman (Halberstam 1998). The second is “mimicry” as the act of inhabiting the feminine in exaggerated form in order to expose and disrupt the underlying masculine bias of language (Irigaray 1985a; 1985b).

In my analysis of the words expressed by women human rights defenders who took part in my study, I looked specifically at how WHRDs resisted, aligned with and/or subverted notions of essential female vulnerability in our conversations. The following discussion outlines the key concepts from critical feminist and gender thinking including performativity, feminist masculinity and mimicry, which shaped how I processed the participants’ responses. These concepts serve as analytical windows through which I view what is happening discursively when women attempt to occupy the HRD identity. In doing so I sought to reveal the discursive strategies in play as women negotiate the human rights defender identity and the prevailing notions of vulnerability promulgated within defender discourses.

4.2 Gender performativity

The following analysis builds on the work of critical gender theorist Judith Butler; it was through an initial engagement with Butler that the primary theoretical tenets of this research unfolded. Butler introduced the concept of “gender performativity” in her 1988 article *Performative Acts and Gender Constitution*, and later expanded on her ideas in *Gender Trouble: Feminism and the Subversion of Identity* (1990) and *Bodies that matter: on the Discursive Limits of Sex* (1993). For the past 25 years, Butler’s thesis has been influential across many disciplines, including political science, philosophy, linguistics, psychoanalysis and cultural studies. Butler herself has contributed substantially to debates on topics related to world politics and current events, feminist theory, queer theory, precarity and precariousness, violence, agency, vulnerability and resistance (Salih 2004).

Gender performativity relies on a set of ontological assumptions that challenge notions of gender and sexuality as biologically determined and inherent to human beings. Gender “exists” only in relation to the body and to the extent that the body is present and recognised by others (Butler 1988; 1990). The phenomenon of gender gives shape and meaning to what bodies do and how they appear. According to Butler:

Gender is not passively scripted on the body....Gender is what is put on, invariably, under constraint, daily and incessantly, with anxiety and

pleasure – but if this continuous act is mistaken for a natural or linguistic given, power is relinquished to expand the cultural field bodily through subversive performances of various kinds. (Butler 1988, 531)

Public and social discourses are continually policing the body through the reinforcement of a strict gender binary, that is, a person is either male/man or female/woman. To challenge this notion, Butler argues, we must reject an understanding of the “gendered” subject as completely stable and self-determining. According to Butler, as “the surface” and “the scene” of cultural inscription, the body is produced by a series of stylised and repeated acts, gestures and desires (Butler 1988). The gendered body has “no ontological status apart from the various acts which constitutes its reality” (Butler 1990, 136). The “acts” that produce the gendered body are not one off, but are repeated over and over again. The manner in which gendered subjects are recognised and sustained through discourse, that is, the “sexing” or “gendering” of the subject, is the effect of an on-going repetition of actions. It is through the “reiterative power of discourse” that the phenomenon of gender is sustained (Butler 1993, 2).

Butler’s account of gender performativity, building on Michel Foucault’s concept of discipline, reveals how the linguistic and political regulation of bodily practices reinforces the heteronormative nature of “privileged” gender roles. When the desires and acts of the gendered body are interpreted as fixed aspects of the body’s essence, then the political regulations and disciplinary practices (the “producers” of gender) are hidden from view. Gender itself does not actually “exist” outside the normative power relations that both create and sustain it (Salih 2004; Butler 1990). Butler’s theories therefore contest the rigid, heteronormative binary and its political effects and calls for a re-thinking of traditional, “structural” theories of subjectivity and subject formation. An individual’s gender identity does not emerge through the interaction of individual action, fixed “sex”, and social ascription, but through discursively mediated routine actions. Gender identity, therefore, is never fully complete or achieved, as we are acting and being acted upon all the time. It is the *repetition* of these acts, the daily reiteration and imitation of our gendered selves, that gives gender the perception of “validity” or “truth” (Lloyd 2005).

According to Butler,

The theory of gender performativity presupposes that norms are acting on us before we have a chance to act at all, and that when we do act, we

recapitulate the norms that act upon us, perhaps in new or unexpected ways, but still in relation to the norms that precede us and exceed us.

(Butler 2009, 21)

Being “acted upon” in this sense supposes a certain degree of implicit vulnerability. This calls for a re-evaluation of mainstream understandings of “control” and “agency”. We do not have the means in full consciousness and knowledge to (re)construct gender without also residing within the normative gender binary. However, Butler argues that there is the potential for something “queer” to take place, that is, to “do” gender differently. Norms can be repudiated and changed, with potentially new forms of “gender” taking shape and becoming “corporeally significant”. As Moya Lloyd suggests, the possibility for gender transformation exists in that gender identity is never truly realised and is only maintained through repetition (Lloyd 1999; 2005).

The idea of “performativity” is that “doing” equates to “being”. Therefore, the radical moment of “doing differently” is potentially a way of “being differently”. The identity of the human rights defender, in mainstream discourse, is one who resists institutions of hegemonic power. In this project I investigate how women struggle “to be” within this hyper-masculine framework. Specifically, women human rights defenders who are considered vulnerable female subjects when compared with their male counterparts. In the following section I discuss and contest mainstream notions of vulnerability within human rights discourse and the gendered norms that underpin these assumptions.

4.3 Forms of vulnerability in human rights discourse

Vulnerability is a central theme in human rights discourse and signals “otherness” or “weakness” (Gilson 2014). In this section I explore the pervasive understanding of vulnerability and its gendered dimension within the human rights project. In mainstream human rights discourse, the state of “being vulnerable” is viewed as equivalent to the state of “being susceptible to harm”. This presumption has social and political implications based on a “reductively negative understanding of vulnerability” (Gilson 2014, 5) and serves to treat vulnerability as synonymous with terms such as “powerlessness”, “incapacity”, “deficiency” and “passivity”. There are discursive ramifications of such assumptions that limit opportunities for “the vulnerable” and marginalise their experiences in processes of decision and policy making. These associations are reproduced and repeated over and over again. Vulnerability, therefore, is given meaning through its association with “marginalised” or “disenfranchised”

people, and these connotations are revealed in portrayals of “vulnerable groups”, such as the poor, homeless, those living with HIV/AIDs or other terminal illnesses, in some cases racial/ethnic minorities, refugees/asylum seekers, indigenous persons, and so on (Gilson 2014; Reilly 2013; Fineman 2010).

In human rights discourse, vulnerability is perceived in “collective terms” concerning those groups whose rights “are perceived to be at a particular risk of being violated” (Mustaniemi-Laakso et al. 2016, 4). While not dealt with in detail in human rights law,⁵⁸ references to “vulnerable groups” are pervasive in the discourses of human rights institutions, as well as in policies and academic writing (Pare 2003). According to Mona Pare, “vulnerable groups are those groups whose members need protection in all aspects of their lives, *because their status and/or condition* puts them in a weaker position than other individuals in the same situation” (Pare 2003, 6-7) (my emphasis). Building from the work of Pare, Niamh Reilly identifies “key elements of a human rights understanding of, and approach to, vulnerability” (Reilly 2013, 3). Here, I highlight three particular and overlapping “types” of vulnerability discussed by Reilly:

1. “Prima facie”: concerns persons made vulnerable as a result of embodied experience or traits (including age, gender, disability, chronic illness and/or temporal circumstances, such as pregnancy).
2. “Discrimination-related”: a person or group is made vulnerable as a result of discriminatory practices and social norms. This includes sexual minority groups, persons with disabilities, women, children and elderly people.
3. “Structurally located”: this type of vulnerability refers to those groups who face indirect discrimination as a result of their status in society, and are rendered vulnerable through obstacles to accessing services such as education, healthcare, employment and so on (Reilly 2013).

HRD discourses typically categorise women’s vulnerability predominately as prima facie, “inevitable victims of biology, nature or the ‘barbaric’ culture of ‘others’” (Reilly 2013, 4). This is seen in the rhetoric on women human rights defenders that emphasis women’s biological susceptibility to rape and sexual violence (UNGA 2014; HRC 2009b; 2010). In addition, it is also linked to the victimhood of women from “inferior” and

⁵⁸ According to Pare (2003) and Reilly (2013), the following international legal texts reference “vulnerable groups” (or similar phrasing): General Comment 3 of the Committee on Economic, Social and Cultural Rights (CESCR), the Vienna Declaration and Programme for Action, International Norms and Standards Relating to Disability and General Recommendation 25 of the Committee on the Elimination of all Forms of Racial Discrimination (CERD).

“savage” cultures (Merry 2003; Matua 2001). For example, according to Fact Sheet 29 as cited in the previous chapter: “women who choose to be human rights defenders *must often confront the anger of families and communities* that consider them to be jeopardizing both *honour and culture*” (OHCHR 2004, 21) (my emphasis). Prima facie vulnerability does exist, and it is an important mode of vulnerability. However it is ideally perceived as “temporal” and as such applicable to certain bodily experiences that vary at different moments and circumstances. A clear example of temporal prima facie vulnerability is pregnancy. A problem arises when prima facie vulnerability is generalised and applied to certain groups of persons all the time, which is a common practice in human rights discourses (Reilly 2013).

Vulnerability in human rights discourse is oftentimes perceived as “unsettling” and presents a confrontational reality of the frailty and uncontrollability of the human condition. Dominant liberal (and neo-liberal) ideologies operate to allow people to distance themselves from such assumptions of vulnerability and “other” the situation of vulnerability as affecting only those certain individuals or groups. This can enable a “slippage into problematic logic” (Reilly 2013, 4) of understanding entire subsets of the population as inherently vulnerable. According to Martha Fineman, “the term vulnerable population has an air of victimhood, deprivation, dependency, or pathology attached to it” (Fineman 2010, 266). This thinking keeps hidden the root causes of social inequality, especially concerning structural marginalisation and indirect discrimination, and reinforces the idea that social and economic imbalances are simply products of natural forces (Fineman 2010; 2008; Gilson 2014). According to this perspective, people are responsible for their own vulnerabilities, their own misfortunes and social disadvantages. These assumptions place one’s vulnerability in direct opposition to one’s “agency”. In this manner, vulnerability is a fundamentally negative concept and something to be avoided.

Additionally in human rights discourses, vulnerability also has a highly gendered dimension. Women are represented predominately as a “vulnerable group” in discussions of armed conflict (Scully 2009; Otto 2010), migration (Kawar 2003) and more recently concerning the effects of climate change (Yavinsky 2012) and development agendas (Kabeer 2014). Diane Otto maintains that “protective representations of women” (Otto 2005, 113) based on an understanding of women’s implicit bodily vulnerability work to produce a “hierarchy” of sex/gender, “with the masculine assuming a position of authority” (Otto 2005, 106). In human rights

framings, these constructions marginalise women's experiences and reproduce strict gender norms. While understanding a particular vulnerability of women can be politically necessary, it also can lead to unintended consequences that diminish the potential for agency and further understanding women as always in need of "protection" from men (Otto 2005; 2010).

Martha Fineman expands upon this thinking by stressing the importance of thinking about vulnerability as "a relationship of responsibility between state and individual" (Fineman 2010, 255). Her arguments are based on the understanding of vulnerability as both "universal" and "particular" – an aspect of the human condition but experienced in particular ways. Therefore, while it is not possible to "eradicate" vulnerability, it is the responsibility of the state to incorporate and support specific laws, programmes and institutions as a means to "lessen" the exposure to vulnerability in the allocation of social goods and resources. This "vulnerability approach", according to Fineman, must be "responsive" to vulnerability on several levels, including institutionally and individually (Fineman 2008; 2010). As discussed in Chapter 3, such views echo those of feminist perspectives and women's human rights advocates in the 1990s, who were particularly concerned with holding states accountable for upholding economic, social and cultural rights, in addition to civil and political.

In the following section I consider additional ways to think differently about vulnerability, and in particular avoid positioning it in direct opposition to resistance or agency. Such thinking is linked to understanding vulnerability as both a commonality of all human beings *and* experienced differently by particular people and groups (Fineman 2010; 2008). In this discussion, I draw on the insights of Judith Butler, in particular her proposition that "once we understand the way vulnerability enters into agency...our understanding of both terms can change – and the binary opposition between them can be undone" (Butler 2015).

4.4 Re-thinking vulnerability as a discursive space for resistance

In her more recent work on precarity, Butler discusses how we are all susceptible to physical, emotional and/or psychological conditions beyond our control (Butler 2009). She posits that we must recognise that the subject is not distinct from the structures and conditions in which it exists and through which it is formed. In a lecture at Trinity College Dublin (February 2015), Butler asserted the following:

This idea of the individual bodily subject of rights might fail to capture the sense of vulnerability exposure, even dependency, that is implied by the right itself...This corresponds with the need for an 'alternative' view of the body (Butler 2015).

The “alternative view” of the body is “an ontological claim” and through this lens it is not possible to perceive of bodies as completely separate from one another (Salih 2004). This assertion makes it impossible, for example, to consider the concept of vulnerability without discussing the “complex relationship” between vulnerability and the normative frameworks that structure our everyday lives. It is on the basis of this claim that we are able to re-evaluate vulnerability in terms of its relationship to moments of agency and resistance. According to Butler,

As public resistance leads to vulnerability, and vulnerability in the sense of exposure here is also implied by precarity, failing infrastructure, being exposed to harm, to disease, to homelessness – that too leads to resistance...Vulnerability is not exactly overcome by resistance but it becomes a potentially effective mobilising force. (Butler 2015)

We are dependent on infrastructure, which Butler defines as the conditions that “characterise our social, political and economic lives” (Butler 2015). Due to this dependency, at the moments when those institutions of support “fail” and certain populations become increasingly disadvantaged, the space and condition of mobilisation and resistance has the potential to appear. According to Butler, the demand for infrastructure is the basic “demand for liveable space” (Butler 2015). In this sense, vulnerability involves pushing against the modes of hegemonic power that govern our “liveable” world. Recognising the potential of vulnerability as a means of resistance is to understand vulnerability as “deliberate exposure to power” (Butler 2015). Vulnerability can emerge at several points during acts of resistance. At times, the act of resisting “paternalistic” power relations involves placing oneself in a position of increased bodily vulnerability; aggravated by the presence of police or agents of authoritarian power. Resistance is not always large scale political mobilisation or protests. Sometimes just continuing to be, to move and breathe is a part of resistance. Vulnerability never disappears, even in these small moments, therefore making it seemingly impossible to discuss and conceive of resistance without some reference to vulnerability (Butler 2009; 2015).

According to Butler, “vulnerability is not a subjective disposition...it is rather a relation to a field of objects, forces, institutions and passions that impinge upon or affect us in some way...a kind of *relationship*” (Butler 2015) (my emphasis). In my interactions

with women in the HRD framework, I investigate how the women navigated their own self-identities as human rights defenders in terms of this “relationship” to vulnerability. In the HRD framework, indicative of the broader human rights project, the binary between “vulnerability” and “agency” is evident and has a highly gendered dimension. HRD discourses ascribe vulnerability unequally to women as compared to men. Associations of women as “particularly vulnerable” (OHCHR 2004; 2017; Front Line Defenders 2017) form the basis for making distinctions between “general” HRDs and women HRDs. This limited application of *prima facie* vulnerability is linked to biology, and ostensibly perceptions of an inherent susceptibility of women’s bodies to (sexual) violence perpetrated by men. It is also connected to implicit negative connotations of “culture” and the view of women in the HRD framework as the essentialised victims of the “‘barbaric’ culture of ‘others’” (Reilly 2013, 4).

In my analysis of how my project’s participants negotiate, diffuse and debunk these narrow assumptions of vulnerability and the female subject in the HRD framework, I found two theoretical concepts from feminist thinking particularly useful: “female masculinity” and “mimicry”.

Female masculinity

Through the lens of performativity, the binary categories of gender and sex, man/male and woman/female, flow from a “reiteration of difference” and, therefore, are interrelated and dependent on one another for definition and meaning (Lloyd 2005). The fabricated categories of gender are split into two distinct cultural representations: masculinity (the social meaning and encapsulation of male/maleness) and femininity (the social meaning and encapsulation of female/femaleness). In his 1998 book *Female Masculinity*, Jack Halberstam⁵⁹ critically engages with the concept of masculinity as it is performed through bodies that are not “male”. While acknowledging the difficulty in defining masculinity as more than “the social and political expression of maleness” (Halberstam 1998, 1), Halberstam highlights the interdependency of gender categories and maintains that the idealised portrayal of what he terms “heroic” or “dominant” masculinities would not exist without the counter category of “alternative” masculinities. He posits that masculinity “becomes legible as masculinity where and when it leaves the white male middle-class body” (Halberstam 1998, 2).

⁵⁹ Formerly “Judith Halberstam”.

Halberstam therefore critiques what appears to be the “natural” understanding of maleness by looking at how “female and queer” masculinities are produced. He argues that “female masculinities are framed as the rejected scraps of dominant masculinity in order that male masculinity may appear to be the real thing” (Halberstam 1998, 1). Halberstam problematises such thinking in his own theorisation of “female masculinity” and focuses on how “women” express/embody masculinity and as such exposes how masculinity is socially constructed and performed through male bodies. This allows for a new and holistic understanding of masculinity, how it works and is given meaning as an exercise of power. Recognising the HRD paradigm as traditionally a masculine space, Halberstam’s work is useful in examining the discursive strategies women use as they attempt to occupy and claim the HRD identity for themselves.

Halberstam’s alternative masculinities include individual experiences of women who may not necessarily identify with their female sex body. Halberstam begins with an analysis of “tomboyism”: the name given to a “phase” of female masculinity in childhood. In such an occurrence, a young girl taking on the behaviours and appearance of boys does not elicit the same “hysterical” response as the reverse; a young boy taking on the appearance of a girl. Halberstam concludes from this that “female gender deviants” are much more socially accepted than “male gender deviants” (Halberstam 1998). However, this behaviour is permitted up until a certain point. Once the young girl reaches puberty she is expected to grow out of her tomboy phase. She is pressured to fall in line with the behaviours of her female counterparts, or the “compliant forms of femininity”. If a girl does not adhere to this expectation, she is breaking the gender rules, and will be chastised for remaining a tomboy in her adult life (Halberstam 1998). In adulthood, the policing of female masculinity intensifies, exposing those women who attempt to occupy the masculine identity to verbal and/or physical threat and discrimination. So-called “butch” individuals, according to Halberstam, clearly perform in opposition to traditional gendered norms and sexual identities (Halberstam 1998). Similar to tomboys, butch women are often perceived as gender deviants as they are physically unrecognisable from the gendered category of woman ascribed by social and public discourses. As adults they are punished for their “abnormal” gender behaviour and appearance. Despite the consequences, many women “choose” to embody this gender-ambiguity. On this point, Halberstam questions why there are not a multitude of “gender” options, as the rigid boxes of male and female become increasingly less stable in cultural representations. He cites what he deems “the bathroom problem”, and the abuse received by butch or any visibly too masculine-looking women when they

attempt to use a female toilet in a public place (Halberstam 1998). The production of the fixed binary categories of gender, i.e., you are either man/masculine or woman/feminine, is dependent on how you are recognised by others. According to Halberstam, there are only a few “people in any given public space that are completely unreadable in terms of their gender” (Halberstam 1998, 20). Any such individual is breaking what Halberstam considers as the “cardinal rule of gender”, that “one must be readable at a glance” (Halberstam, 1998, 23).

Halberstam’s conceptualisation of female masculinity reveals the coerced nature of gender and the ways in which individual gender performance can render one vulnerable. The policing of those deemed to be “gender deviants” reveals the connection between manifestations of masculinity or femininity and discourses of power as well as the related punishment for not performing one’s gender correctly. In addition, Halberstam demonstrates how gender performance can simultaneously be a “strategy of survival” (Butler 1988, 522) and/or a means of resistance to hegemonic power. Looking at how women occupy masculine subject positions as “women” reveals how gender is working within a particular discourse, and privileges some subject positions while silencing others. As such, I posit that Halberstam’s idea of female masculinity is a useful category of analysis through which to explore what is happening when women make a claim to the identity of a human rights defender and the kinds of gender hierarchies that are reproduced by the HRD framework itself.

An assessment of female masculinities reveals a potential moment where a vulnerable subject, facing the social and political consequences of an incorrect performance of gender, is able to stand simultaneously as a resisting and agentic subject who disrupts and challenges gender norms through an alternative performance of gender. This exposes a possible collision of vulnerability and agency during acts of resistance.

Mimicry

In this section I discuss the concept of “mimicry” and the intentional occupation of “the feminine” as a feature of my analytical framework. Luce Irigaray, French feminist theorist, philosopher and cultural linguist, advances the critical use of mimicry as a means of destabilising masculine subjectivities as understood in predominant accounts of psychoanalytic theory. She is a critic of male-centric perspectives in mainstream psychoanalytic theory and its very limited understanding of the feminine subject.

According to Gannon and Davis, Irigaray and other feminist psychoanalytic thinkers “explore the changes individual subjects must engage in to bring about...new ways of being” (Gannon and Davis 2004, 80). From this perspective I use mimicry as a key concept to examine whether and how women human rights defenders consciously “perform” gender identity as a discursive strategy to contest the dominance of the male human rights defender.

To begin this discussion, I present a brief overview of the tenets of psychoanalysis that gave rise to Irigaray’s interpretation of mimicry or mimesis. In her books *Speculum of the Other Woman* and *This Sex Which is Not One* (both published in English in 1985)⁶⁰, Irigaray expands upon Jacques Lacan’s three “realms” or “dimensions” of subject formation, a concept he developed in the 1950s. According to Lacan, each human being experiences three realms (the imaginary, the symbolic and the real) that “serve to situate subjectivity within a system of perception and a dialogue with the external world” (Loos 2002). The first dimension, “the Imaginary”, is also known as the “mirror stage”, when at infancy we as human beings see our image for the first time and construct our identity through “misrecognition” of the self in this alienated image. The second is “the Symbolic”, which is how we structure of our social and cultural world. In Lacanian terms, in this “phallogocentric”⁶¹ world “woman” is perceived as the “negative Other” to the man. Lacan notably referred to “woman” as “masquerade”, and presented women as solely objects of male “phantasy”⁶². Women therefore are continuously stylising and presenting themselves in order to conform to societal expectations and norms. Women “exist” only as “not men” and never achieve subjectivity in the symbolic but remain objects dependent on their male counterparts. The third dimension is “the Real”, or the realm of “real meanings”. The real is everything beyond the symbolic and the imaginary that can never be symbolised or attained. For Lacan, death is “the triumph” of the real as it “puts a physical end to subjectivity and meaning”⁶³ (Minsky 1996, 147-148).

⁶⁰ Translated to English in 1985. Originally published in French in 1974 and 1977 respectively. The original French titles are: *Speculum de l'autre femme* and *Ce sexe qui n'en est pas un*.

⁶¹ Phallogocentrism or phallogocentrism: used in psychoanalysis to refer to the privileging of the masculine (the phallus) in knowledge formation and social relations (Pilchner and Whelehan 2004).

⁶² “phantasy” from “phantasmatic”: largely a term used in psychoanalytic discourse to describe unconscious imaginings or ideas (Pilchner and Whelehan 2004).

⁶³ This is a rather crude and abbreviated account of Lacan’s theories. For further reading, see: Minsky 1996 (Chapter 4) and Jacques Lacan, *Ecrits, A Selection*, trans. Alan Sheridan (New York: W.W. Norton. 1977); for more on feminist engagement with Lacan: Elisabeth Grosz, *Lacan: A feminist introduction* (New York, London: Routledge. 1990).

Irigaray focuses on Lacan's perception of women as "the Other", "the lack, "the not men". She emphasises how Lacan, and other psychoanalytic thinkers, understand the subject constructed through language that is solely a representation of the male/masculine imaginary. She agrees with Lacan that women do not fit into this discourse. Paradoxically, Irigaray emphasises that the position of the "masculine one" is entirely dependent upon the "position of inferiority" of its negative counterpart, "the feminine" (Irigaray 1985a, 161). According to Moya Lloyd, "all subject positions are defined in differentiation from other subject positions. In order to posit an identity, a difference (an other/Other) has also to be posited" (Lloyd 2005, 20). Women are "excess" in that they represent a truly different kind of "being"; men, through language, appropriate that difference as "otherness" (Irigaray 1985a; Whitford 1991; 1989). According to Irigaray, female "otherness" leads to a denial of the feminine subject. However, she also argues that in these locations, between the "scraps" and "shards" of otherness, the feminine subject can be found (Irigaray 1985a, 30). This potential feminine is always present - simply hidden and overshadowed in the dominant masculine world. "Woman" and "the feminine" are undefinable in phallogentric language. The understanding of woman as "his" negative and "his" lack is reiterated continuously, and promulgated as truth. Women access the masculine order (the symbolic) only by representing the limited/narrow locations for women within phallogentric discourses (Irigaray 1985a; 1985b).

However, Irigaray offers a strategy for women to disrupt this positioning as Other in mainstream discourses. In *This Sex Which is Not One*, Irigaray discusses "mimesis" as follows:

To play with mimesis is thus, for a woman, to try and locate the place of her exploitation by discourse, without allowing herself to be simply reduced to it...It means to resubmit herself...to ideas, in particular ideas about herself that are elaborated in/by a masculine logic- but so as to make visible by an effect of playful repetition, what was supposed to remain invisible: recovering a possible operation of the feminine in language. (Irigaray 1985a, 76)

Mimicry is the conscious embodiment of the feminine in order to reveal, disrupt and/or question the masculine order. Mimicry can be "used" in multiple ways. Women can mimic or perform gender superficially and/or complicity in their attempt to occupy the feminine as dictated through phallogentric language. This use of mimicry is oftentimes a tactic of survival as women "conform" to male perspectives in order to survive in the

world, stylising and shaping their bodies and appearances to please men. Women in this understanding are a “copy of a copy” (Ping 1995) and mimic male representations of “woman” that do not have an original archetype. According to Irigaray, even in these moments women are not simply taken in or absorbed by male definitions of the feminine, as women are always distant, external to its source.

Another use of mimicry involves the potential for disrupting or altering the locus of power. According to Xu Ping,

In other words, to assume ‘the feminine role deliberately’ is to exercise a resistance from within the phallogocentric discourse, so as to disrupt it by forcing it to admit the consequences of its own logic which it cannot or does not want to admit according to the same logic. (Ping 1995, 80)

Irigaray applies the strategy of mimicry in her critique of dominant psychoanalytic ideas of women’s subjectivity and sexuality. Women are defined in these discourses by their lack of phallus, a sexuality of “none” in opposition to a man’s sexuality of “one”. In *This Sex Which is Not One*, Irigaray occupies “the feminine” against the back drop of phallogocentric thinking. She uses her “subordinate” position to posit an understanding of female sexuality beyond the masculine. Women’s bodies, according to Irigaray, have multiple erogenous organs and sites of pleasure. There are several areas of the female sex body that are heightened and aroused during moments of sexual desire. This “plurality” is completely alien to the “singular” sexual experience of the phallus, the only “true” sex organ according to traditional discursive practice (Irigaray 1985a). The multiplicity of female sexuality presents a crisis for phallogocentric thinking. According to Ping,

In the face of the plurality of woman’s pleasure, phallogocentrism can say nothing. In fact, that may well be the very reason why female sexual organs have been considered nothing, or to use Irigaray’s own words, ‘counted as none’. (Ping 1995, 82)

By rooting herself within phallogocentric tradition and “playfully mimicking” its claims, Irigaray turns the discourse on its head, and exposes and disrupts the underlying biases in its assumptions.

The conceptualisation of mimesis as a discursive strategy is also found in postcolonial theory. Cultural theorist Homi K. Bhabha argues that in some instances, by imitating the cultural practices of a colonial power, a colonised group can disrupt or challenge this discourse, and reveal its fundamental hollowness (Bhabha 1994). According to Bhabha,

the coloniser wants to develop “the Other” (the colonised) in his own image, while maintaining power and some distance. As such the colonised becomes *nearly* the same as the coloniser, but never “truly” belonging in the coloniser’s world, the Other continually marginalised by the hegemonic relations of power at play in the colonial system. This difference reveals a “slippage” in the discourse, and has the potential to become the subversive tool of the colonised (Bhabha 1994). In so doing, mimicry “intensifies the surveillance” of power relations, while simultaneously posing “an immanent threat to both ‘normalised’ knowledges and disciplinary powers” (Bhabha 1994, 123). Bhabha’s conceptualisation of mimicry resonates with Irigaray’s theorisation; it exposes a potential discursive strategy of resistance by a “subordinate” or residualised subject at the margins of a hegemonic discourse. For Irigaray this discursive slippage reveals “the place of the feminine ‘elsewhere’” (Martin 2000, 91); making visible a subject that had previously been invisible, “a femininity which can operate mimicry in a subordinate manner, and thus represent what the masculine refuses to take seriously” (Martin 2000, 92).

To subvert and resist the masculine order, therefore, one can “assume the feminine role deliberately” (Irigaray 1985a, 76). According to Drucilla Cornell, mimesis presents an “option” for women:

If you are symbolically encoded or marked as feminine, and yet, at the same time, you do not want to simply repudiate the feminine as the only way of countering all the bitterness and all the resentment associated with femininity as masquerade. (Drucilla Cornell as quoted in Cheah and Grosz 1998, 20-21)

In this thesis, the concept of mimicry provides an analytical category through which to examine and interpret expressions of femininity/femaleness and how they operate within the HRD framework.

4.5 Conclusion

In this chapter, I outlined the main concepts from gender and feminist theory that form my analytical framework for inquiring into the human rights defender paradigm. This discussion sets the stage for the analysis to follow concerning how women who self-identify as human rights defenders understand notions of vulnerability vis-à-vis their activities as HRDs. Here, I flag how I will deploy these concepts in my research process, and in particular how I will unpack and examine associations of vulnerability in my

analysis of the responses of the project's participants. Butler's theorisation of performativity is one key concept in this framework. Through an understanding of gender performativity, I recognise gender norms as "preceding and exceeding" the subject and destabilising the idea of gender identity as a linear, finite process. "Gender" is a phenomenon that surfaces through discursively mediated and repeated action, and not through fixed biology and "sex". From this perspective I scrutinise the static gender norms underpinning the human rights project and especially the "invulnerable", masculine "body" at the core of HRD discourses.

In this chapter I also discussed how vulnerability is broadly understood in human rights discourses and suggested new ways of interpreting vulnerability that move beyond limited associations of vulnerability as exposure to physical harm. I posit an alternative thinking of vulnerability as a discursive space for resistance and agency. To base this claim, a distinction is necessary between the "fundamental form of vulnerability that is shared" and "the various ways political-social context modifies, (exacerbating or reducing) such basic, shared vulnerability" (Gilson 2014, 57). Vulnerability is characteristic of human life but is *not experienced* by everyone equally. For example, people living in dire socio-economic situations do not experience vulnerability in the same ways as those with higher standards of living. Foregrounding the "precarious nature of life", Butler links human dependency to modes of "infrastructure" which she defines as the social, economic and political architectures in which the lived experiences and identities of human beings are integrally embedded. Butler suggests re-thinking the body as not an "entity" in and of itself but as a "relation" (Butler 2009; 2015).

According to Butler and Gambetti, problems arise when "gender-defining attributes, like vulnerability and invulnerability, *are distributed unequally*, and for purposes of shoring up certain regimes of power that disenfranchise women" (Butler and Gambetti 2013) (my emphasis). I argue that in the HRD framework perceptions of vulnerability "are distributed unequally". Generally, individual human rights defenders are seen as "key agents of change in their own society" (OHCHR 2008) who spread the message of human rights to "vulnerable populations" (OHCHR 2004). HRDs are lauded for defending "the vulnerable" in their local contexts. Vulnerability does not feature in conversations about human rights defenders themselves, however, until these discussions concern women, who have been identified as one of the "most exposed groups of HRDs" (HRC 2014, 9) and "defenders whose vulnerability is acute all the

time” (UNCHR 2003, 10). According to Gilson, attitudes about vulnerability ultimately shape and dictate the way we treat “vulnerable others” (Gilson 2014, 59), and “when vulnerability is regarded as weakness and invulnerability is prized, attentiveness to one’s own vulnerability and ethical response to vulnerable others remains out of reach goals” (Gilson 2014, 5-6). The HRD framework advances the idea of “invulnerability” of human rights defenders, while also valuing the good, “righteous” work of HRDs on the ground.

These interpretations and critiques structure a central aspect of my project’s analytical framework and how I scrutinised the empirical data collected. Based on the substantial and conceptual analysis presented in this chapter, in Section IV I deploy a schema of three “categories” of vulnerability: *prima facie*, discrimination-related and structurally located (Reilly 2013), in my analysis of how the women who participated in my project understand and articulate associations of “vulnerability” vis-à-vis their identities as human rights defenders. I also use a fourth “type” of vulnerability as theorised by Butler (2009; 2015) and Gilson (2014) as a lens to better understand how these three modes of vulnerability are “working” in HRD discourses according to the research participants. That is, seeing vulnerability as not biological but as a “relation” that affects *all* human beings but in different ways. This thinking also encapsulates the particular moment when vulnerability and agency collide during resistance. HRD discourses largely understand women’s vulnerability as “*prima facie*”, based on an ostensibly inherent vulnerability of “female” bodies to rape and to “harmful attitudes, customs, practices” of their “other” communities (UNGA 2014). These discourses tend to ignore the “temporal” component of *prima facie*. When processing the responses of my participants, I paid particular attention to the words and reflections that embraced and/or departed from this narrow perception of “*prima facie*” vulnerability, and reflected one (or several) of the other “types” of vulnerability.

In my analysis I also draw from relevant gender and feminist theories concerning identity, specifically female masculinity and mimicry. In terms of “female masculinity”, during my interactions with women in the HRD framework I paid attention to the discursive moments that revealed whether or not, consciously and/or unconsciously, women rejected being coded as feminine and attempted to act “like men” in their activities as human rights defenders. These moments shed light on the linguistic strategies used in order to claim the (masculine) identity of a HRD as a woman. In terms of “mimicry”, when processing the empirical data collected, I paid attention to

discursive moments that referred to a strategic use of femininity in order to achieve ends. Mimesis is a potential means for women to play up their feminine selves in order to unsettle dominant positionings that reveal the phallogentric power structures at work. In order to operate effectively, mimicry is a “conscious” choice. In this manner it is a mode of rejecting conventional perceptions of vulnerability while standing in an agentic space; strategically occupying a “subordinate” position in order “to be”. As with female masculinity, in acts of mimesis vulnerability and agency have the potential to co-exist.

This chapter presented the main concepts from gender and feminist theory that I deploy to reveal the discursive strategies at work as women negotiate human rights defender discourses and the prevailing notions of vulnerability promulgated within. I provide a more in-depth discussion of these analytical tools in the introduction to Section IV.

Chapter 5

5.1 Researching women human rights defenders, a discussion of methods

In this chapter I outline how I set about answering my central research questions, the epistemology that informed the choice of methods as well as my own normative positioning as a researcher committed to the emancipatory potential of the international human rights project. This entails discussion of my approach to gathering and analysing the data, including deployment of a transparent, evidence-based discourse analysis of transcripts of one-on-one interviews with women human rights defenders (WHRDs).

Initially I approached this project as an activist and NGO worker who campaigned within the human rights defender paradigm. In this context I held views in line with conventional thinking on HRDs and the issues they faced. Throughout the PhD process, I developed as a critical thinker and engaged with feminist literature and philosophical criticisms of human rights. I realised I needed to “step outside” the HRD paradigm somewhat in order to assess this space more “objectively”, and develop a critical academic understanding of “human rights defenders” as promulgated in human rights discourse. Reflecting this perspective, I recall the principal research questions and objectives of this thesis, as outlined in Chapter 1:

- How is gender significant in the lives and work of women human rights defenders?
- What are the experiences and perceptions of women human rights defenders concerning the gendered norms and social expectations of their communities?
- How do women human rights defenders perceive their identity as human rights defenders within the existing social structures and institutions in which they live and work?

By investigating how gender is “significant” for women (whether as an obstacle, a positive resource, a risk factor, a source of vulnerability) I aimed to uncover how the category of a “women human rights defender” is socially constructed and how it works within wider gender and social norms. In particular I also sought to illuminate and interrogate the notions of vulnerability as promulgated in human rights discourse and the implications for women attempting to occupy the HRD identity. To answer these questions I chose to interview and engage with women who self-identified as part of the HRD framework.

This thesis deployed a mixed-methods approach. The first method, as presented in Sections I and II, used a comprehensive discourse analysis to process reports from the United Nations and unpack the political and historical dimensions the human rights defender paradigm. The present chapter offers an in-depth discussion of the other two methods: qualitative data collection with women human rights defenders and a discourse analysis of interview transcripts. Here I also reiterate the project's epistemological positionings, informed by the canon of feminist ideas that underpin this project.

The following secondary research questions capture what I hoped to gather from the qualitative data collection and interviews. These questions were also formulated to enable me to gather data relating to key concepts of my framework, including vulnerability, performativity, female masculinity and mimicry.

- Do women's experiences and identities conform with or depart from dominant understandings of human rights defenders as promulgated in discourse?
- How do women human rights defenders understand vulnerability? Do women human rights defenders perceive gender as a "point" of vulnerability for them in their activism, as mainstream human rights discourse claims?
- In their activities, do women human rights defenders perceive themselves to be "acting like men" in order to obtain their objectives?
- Do women human rights defenders consciously use perceived female traits to achieve ends or disrupt gender norms and expectations?

With these questions in mind, I designed my field research plan. My first step was to decide how exactly to identify, contact and approach women to take part. In this inquiry I drew from standpoint feminism in order to help me determine who I would target in my data collection. This in turn shaped my choice of the third method for my transparent, evidence-based discourse analysis, and how I scrutinised the discursive manoeuvres at work in the voices of the women I interviewed.

I divide this chapter's discussion into four primary sections: the first, continuing from Chapter 1, outlines the epistemological dimensions of my methodology, including discussions of the intersection of "feminist post-structuralism" and "standpoint feminism". In the second section I discuss my fieldwork journey and provide a brief account of why I chose to realise my project in this particular way, and how I went about answering my primary questions of the HRD framework. In this section I also

discuss (1) the process in relation to the selection of interviewees; (2) methods of data analysis and (3) the challenges and limitations of these choices. The third and final section discusses the methods of analysis I used to process my interview transcripts, and the tools I borrowed from the “discourse-historical approach” (DHA). In this section I outline how I approached reading, sorting and interpreting the texts of women’s responses.

5.2 Post-structuralism meets feminist standpoint

In this project I draw on concepts in critical gender and feminist studies to reveal and analyse how WHRDs view and articulate the struggles they face as they attempt to occupy the identity and carry out the work of a human rights defender. In keeping with a post-structuralist approach, my analysis begins with the “recognition of the constitutive power of language and of discourse” (Gannon and Davis 2007, 81). According to Chris Weedon, discourse is defined as “ways of constituting knowledge, together with the social practices, forms of subjectivity and power relations which inhere in such knowledges and relations between them” (Weedon 1997, 108). This focus on language encourages research methods comprised of “close textual analysis” (Gannon and Davis 2007, 81). Post-structural strategies for analysing “text” tend to cross over multiple disciplines, “opening up to scrutiny” what previously had been viewed as “natural” or inevitable, and disrupting binary understandings of the “definition or closure” of meaning (Gannon and Davis 2007, 82). Through this lens my project recognises the value of examining the “words of women” and how they grapple linguistically with mainstream discourse of human rights defenders. In so doing I have endeavoured to deploy a “deconstructive” approach to my analysis, which attempts to “unfit meaning so it remains incessantly at play – mobile, fluid” (Gannon and Davis 2007, 86).

My decision to engage with women who self-identify as defenders is consistent with my commitment to feminist standpoint theory and its recognition of women’s perspectives as a valued primary source in research. Feminist standpoint theory builds especially on socialist and material feminist critiques, which apply Marxian perspectives to understandings of women’s oppression. Marxian approaches consider mainstream knowledge and views of the world to be a reflection of the interests of the dominant economic classes. Marx argued that for a better understanding of the workings of the class system it is necessary to analyse it from the perspective of the “proletariat”, not

the “bourgeois” (Tong 2016). The concept of a particular marginalised “standpoint” therefore is informed by Marxian thinking. The value of a “situated knower” recognises the “best” research should be presented from particular, historically specific, social locations (McCann and Kim 2013; Tong 2016). This proposition reveals and disrupts the “god trick” (Haraway 2004) in positivist research methods, which supposes it is possible to speak conclusively about the way the world works “above” and beyond human experience.

However, feminist standpoint theory is both contested and controversial. A particular critique is that it falsely supports ideas that all women share a common or universal experience, including, for example, of male dominance and discrimination or “motherhood”. In so doing, it erases differences amongst women in terms of race, ethnicity, nationality, class, sexual orientation, religion and so on (Narayan 2013; Spivak 1988). Feminist standpoint theory has also been charged with being “essentialist”. Hartsock in particular has been criticised for basing her conception of “standpoint” on the basis of women’s “natural” biological functions (Fraser and Nicholson 1990; Grant 1993). However, supporters of Hartsock defend her use of “feminist” versus “woman” standpoints as evidence of a rejection of the idea that standpoints develop “naturally” but rather through the political and social struggles associated with feminist perspectives. Additionally, Hartsock bases her theories on the social relations of the traditional family unit as maintained by capitalist hegemonic thinking and the social construction of the sexual division of labour, rather than women’s bodies (Hartsock 1983; 2004; Hirshmann 2004). The epistemological significance of standpoint theory is the (re)definition of knowledge, of experience, of reality, as “less partial and perverse” (Haraway 2004), a fluid and on-going dialectical process (Hirshmann 2004). The adoption of a particular standpoint does not equate to the discovery of “truth”, but rather opens up new possibilities for meaning and makes visible perspectives that were once unseen. I argue that in this manner, feminist standpoint is compatible with feminist post-structuralism. It is at the nexus of these two epistemological positionings I locate myself as a researcher and base my critique of the HRD framework.

In addition, an important response to these critiques is the idea of “intersectionality”; a theoretical framework conceptualised by American women of colour in the 1990s that pushed for new understandings of women’s complex social positionings in terms of overlapping points of oppression and discrimination beyond constructs of gender (Crenshaw 1991; Dill 2009; Collins 2000; Spelman 1998). In my research I

acknowledge the importance of the critiques from these perspectives, particularly relevant in my project's focus on women predominantly from countries in the Global South. I have consciously worked to incorporate intersectional awareness in my research. Ultimately, I am persuaded by Nancy J. Hirshmann's defence of standpoint as a distinctive and relevant method for feminist research that is not "irreconcilable with notions of 'difference' amongst women" (Hirshmann 2004, 36). In line with this thinking, my project looks at the perspectives of women HRDs at the margins of the HRD framework (as reported by the women themselves) in order to better understand the way that gender operates in the mainstream HRD framework, and to unpack the hidden meanings and contestations in naming women as "human rights defenders".

5.3 Fieldwork plan

As noted, prior to commencing my PhD research I worked for the Dublin-based NGO Front Line Defenders. Front Line Defenders is a well-respected organisation in the international human rights community that supports and protects those named as human rights defenders all over the world. Under the organisational slogan: "protect one, empower a thousand", Front Line Defenders advocates for human rights defenders in their local context; writing to governments on behalf of HRDs and providing practical means of support and protection (e.g. trainings, grants, campaigns and so on) to "human rights defenders at risk". Front Line Defenders, like other stakeholders in the human rights defender world, recognises HRDs as "essential actors in the struggle for human rights" (Front Line Defenders 2017). It was during my time at Front Line Defenders that I observed discrepancies in terms of how women and women's experiences were discussed by the organisation and by the language deployed in the framework. First, there was a noticeable lack of women who accessed the organisation's programmes. Front Line Defenders' strategic plan cited (and still refers to) "women human rights defenders" as a "particularly vulnerable" group (Front Line Defenders 2017). This is reiterated constantly within the organisation's rhetoric, and consistent with other stakeholders in the HRD framework⁶⁴. When I left the

⁶⁴ For example, the "particular vulnerability" of women HRDs is found in Front Line Defenders' annual report in 2015 (see <https://www.frontlinedefenders.org/en/resource-publication/2015-annual-report>). Similar language is found in statements from many other HRD stakeholders. Some examples include: Fact Sheet 29 (OHCHR 2004), the Norwegian Initiative for WHRDs (found at <https://www.regjeringen.no/en/aktuelt/norwegian-initiative-to-protect-women-hu/id744911/>), the International Service for Human Rights (ISHR) (<http://www.ishr.ch/news/protecting-women-human-rights-defenders>) and the WHRD International Coalition (For example, see the Coalition's report on the situation of women HRDs in Colombia, found at: http://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/columbia_report2011.pdf)

organisation and began working on my PhD, I was struck by the reaction of my former colleagues to my decision to enter a women's studies programme. Why would I bother researching only women? What would that achieve? As I began my PhD I quickly realised that paying lip service to "women" as a "vulnerable group" is very different from actually integrating a feminist or pro-woman agenda in practice. I began to recognise my research project as a much-needed critique of the human rights defender space and the hegemonic masculine thinking that shapes it.

I remained in contact with Front Line Defenders during my PhD and the organisation acted as a "gatekeeper" during my field work journey, assisting me in accessing women human rights defenders. According to Bob Clifford, "gatekeepers" are major players in the international human rights movement, organisations or "human rights intellectuals" recognised for their "reliability" and "credibility" in the sphere of international human rights (Clifford 2011, 6). In the following account of my field work journey I discuss at length my engagement with two such gatekeepers, Front Line Defenders and the Centre for Applied Human Rights (CAHR) at the University of York, who helped facilitate my choice of participants as well as the environments in which I interacted with them.

My initial research plan had 4 principal phases. Here, I briefly outline these phases and the primary research goals of each.

- Phase 1: Human Rights Defender Questionnaire

Phase goals: The purpose of the questionnaire was to gather relevant background information of each participant, such as biographical data as well as the length of time the women had been involved in their human rights work. I hoped for every WHRD participant to receive and complete a questionnaire, and consent to an interview.

- Phase 2: One-on-one Interviews with WHRDs

Phase goals: The objective of the interviews were to speak with 10-12 women concerning their experiences and their perspectives on topics related to HRDs, gender, human rights and vulnerability. I hoped to conduct these interviews in person, but was open to Skype/phone interviews if necessary.

- Phase 3: Focus Group Discussion(s) with WHRDs

Phase goals: The purpose of the Group discussion was to gather knowledge on how the WHRDs engaged with one another within the framework, specifically on issues such as gender and vulnerability. I hoped to have two group discussions: one with participants in Dublin and another in York

- Phase 4: One-on-one Interviews with Human Rights Experts

Phase goals: The purpose of these interviews was to gather knowledge concerning how the HRD paradigm developed at its earliest stages and how it has progressed. I hoped to interview the current and/or one of the former UN Special Rapporteurs for HRDs.

I outlined each of these four phases and objectives on my application to the NUI Galway Research Ethics Committee. As a result of time restrictions, I did not fully realise the objectives of these phases. Later in this chapter I unpack these phases further and outline the actual information collected.

Selecting participants

Human rights defenders are an internationally dispersed population. The definition of *who is* a human rights defender is broad and ambiguous. According to the UN Office of the High Commission for Human Rights (OHCHR),

People all over the world strive for the realization of human rights according to their circumstances and in their own way. The names of some human rights defenders are internationally recognized, but the majority of defenders remain unknown...all can play a role in the advancement of human rights. The key is to look at how such people act to support human rights and, in some instances, to see whether a 'special effort' is made. (OHCHR 2004, 8)

As a result of former experience working with WHRDs and HRDs I believed that it was essential to engage with international gatekeepers embedded in this framework in order to identify and contact those individuals who make the “special effort” necessary “to be” human rights defenders. As such, I decided to invite women to participate *who were named as* “(women) human rights defenders” by the gatekeepers (the CAHR and Front Line Defenders) *and who self-identified as* a “women human rights defender” and/or a “human rights defender”. I knew that women with experience working with an international organisation (such as Front Line Defenders and the CAHR) would have prior experience with the international human rights community and therefore the

knowledge of the HRD identity necessary in order to see themselves as part of the framework. This self-identification was an essential selection criterion of my project in order to truly home in on tensions/ambiguities involved in the “naming” of women as human rights defenders and to reveal what happens when women attempt to “claim” this identity for themselves.

In addition, in terms of time and practicalities, it was much more feasible for me to carry out my research in Ireland and the UK. I was therefore targeting organisations that coordinate programmes for HRDs to travel to these countries. I continue to have an on-going relationship with my former employer, Front Line Defenders, who served as one such resource for this project. The organisation regularly brings human rights defenders to Ireland to participate in trainings and events, including the bi-annual Dublin Platform for human rights defenders at risk. In addition, I also met with research participants at my alma mater, the Centre for Applied Human Rights (CAHR) at the University of York, UK. The CAHR hosts up to 8 individual human rights defenders at any one time, who live in York for a period of 3-5 months. After I completed my MA at the CAHR I retained on-going links with several staff members of the CAHR. Upon contacting and receiving verbal confirmation of future support from both Front Line Defenders and CAHR, I designed my project and applied for ethics approval from the NUI Galway Research Ethics Committee. The following table displays the inclusion and exclusion criteria for research participants, as presented to the NUI Galway Ethics Committee in April 2015.

Inclusion criteria:	Exclusion criteria:
<ul style="list-style-type: none"> - Participants will be adult women, over the age of 18. - Participants will self-identify as a WHRD and/or HRD, and will therefore be familiar with the human rights defender framework. - Participants will be proficient in English. - All of the participants selected will have given informed, voluntary consent to participate in the study. 	<ul style="list-style-type: none"> - Adult men and children under the ages of 18. - Adult women who do not identify as a WHRD and/or HRD. - Women who do identify as a WHRD/HRD but have experienced a severely traumatic event at any point in the 12 months prior to the study. - WHRDs who are proficient in English. - Participants who refuse, on any grounds, to give informed, voluntary consent to take part in the study

Ethical considerations

I was granted permission to carry out my research by the NUI Galway Research Ethics Committee in May 2015 (see Appendix E). Applying to the committee was a challenging process, but a useful exercise in thinking practically about the ways I would operationalise my research.

My project is concerned with individual women who are professionals in their fields. However, as activists in “front line” efforts to promote human rights, I had to make allowances for potential ethical issues. In this thesis, pseudonyms are used for each woman. I do not name the organisations each participant works for in their home countries. This guarantee of anonymity was important to several of the women who took part.

When selecting individuals to contact, I aimed to minimise any sort of risk that could arise from taking part in the research. It is possible that some participants had experienced a certain level of trauma or emotional injury as a result of their work as a WHRD/HRD. To avoid ethical complications, I did not ask a woman to participate in my project if she had experienced a significant traumatic event related to her work as a defender in the 12 months prior to taking part in my research. Such incidences of trauma include but are not limited to physical violence or the death of a close associate or family member. Due to the visibility of HRDs and their activities, I was able to gather this information from the public domain. I also asked my project gatekeepers at Front Line Defenders and CAHR to let me know of such incidences. I was fortunate that no participant withdrew from my project for these reasons.

There was a very low probability that my questions will prompt negative emotional reactions on the part of participants, but to avoid provoking potential triggers I implemented the following research safeguards. These safeguards were also outlined on my application to the NUI Galway Research Ethics Committee.

- The well-being of each participant was, at all times, of primary importance over the needs of the research.
- Participants gave their full, voluntary consent to take part in the data collection, with full knowledge of the project’s topic and objectives.
- Ample opportunity was provided for each participant to ask any questions that she may have prior to commencement of the interview(s).

- The possibility of emotional discomfort or distress was clearly outlined to the participant in written form in the initial invitation and project information sheet (see Appendix I) as well as verbally by at the start and conclusion of the one-on-one interview (and the group discussion if applicable).
- The questionnaire included a final question asking whether or not the participant, based on the material asked on the questionnaire, felt they could be at risk of becoming negatively affected emotionally during any individual and group discussion. Any participant that experienced such apprehensions was not asked for an interview. Two women opted out of the study by answering this question affirmatively.
- I was continually mindful and attentive to the participant's well-being when engaging her in introspective discussions. The choice not to answer any question or discuss any topic during the interviews, along with the option to stop the interview at any time, was clearly and repeatedly communicated.
- I had full knowledge of local counselling support services and emergency services (in Dublin and York) in case of any individual woman experiencing emotional distress or other difficulty during the interview process.
- A de-briefing conversation concluded each individual interview, during which the participant was encouraged to ask any questions and discuss how they felt after our conversation. No women spoke of any emotional distress after the interviews.
- Each participant was given my NUI Galway email address, Skype name and phone number, and was strongly encouraged to contact me after the interview if they have any information they would like to discuss further.
- Each participant was able to withdraw from the research even after the interview process and was sent a copy of their on-on-one and group discussion transcripts. The participants had until August 2017 to withdrawal any statements.

These safeguards ensured me to be thoroughly taking all necessary precautions in order to prepare for any issues that could have arisen during the project. I was fortunate to have extensive experience working with women and men who identify as human rights defenders, both at Front Line Defenders and during the completion of my MA in York. I therefore am familiar with the HRD world as a professional community. This prior knowledge was valuable to me throughout the qualitative research process.

Informed consent

Obtaining consent at every stage of the data collection was an important part of the research process. According to Susan Rose, “informed consent is a voluntary agreement to participate in research...a process, in which the subject has an understanding of the research and its risks” (Rose 2013, 3). Prior to agreeing to take part in my project, I sent each woman a copy of my project information sheet (Appendix I), outlining each phase of the interview process, what exactly would be involved in the research and the safeguards in place. I kept strictly confidential all information collected from project participants: including questionnaires, the group discussion and individual interview voice recordings and transcripts. This was made clear in the information sheet and reiterated at the start and conclusion of each interview, as well as in the email correspondence in which I sent each woman a copy of their transcript(s). In addition, the intention to audio-record interviews and focus groups was clearly stated on the information sheet provided to participants prior to their decision to take part in my research. They also were aware that they would be quoted directly in the final thesis, and that pseudonyms would be used.

Participants gave consent throughout the data collection period. In the first instance, consent was given in tick-box format on the questionnaire. Only those women who agreed to take part in the interview were contacted further. Additionally participants were given separate consent forms prior to commencing both the one-on-one interview (electronically and/or in-person) and before the start of the group discussion (Appendix I). Particular to the group discussion, participants were asked to commit to upholding the confidentiality of everyone who contributed to the group conversation. In addition, verbal consent was given and recorded prior to the start of each interview and reiterated at the end. I was in contact with the women regularly before, during and after the research process via email, giving them the ample opportunity to ask any questions or withdraw from the research. Each of the 11 women interviewed consented to having their interviews recorded, to being directly quoted in the thesis and were sent a copy (via email) of their interview transcript afterwards. They were given the opportunity to read through the interview and amend any of their previous statements. No women chose to alter any statements they had made during interviews.

Research processes

In this section, I clarify the four primary phases of my research plan. I outline the information collected and what I might do differently if I had the opportunity to do the research again.

1. Questionnaire

In issuing the questionnaire (Appendix H), I introduced myself as a researcher and my project to potential participants. My gatekeepers, Front Line Defenders and CAHR, initially contacted potential participants that they identified as “women human rights defenders”⁶⁵ and sent them the questionnaire. The questionnaire gave women the option to ask any question they wished about the project from the onset. It was also a way to obtain consent to take part in the study and to participate in a one-on-one interview. In the questionnaire I asked each woman the key question of how she identified herself (Question 4) and to highlight which of the following terms described her: “women human rights defender”, “human rights defender”, “human rights activist”, “member of women’s movement” and “feminist activist”. With this question I was able to see right away whether or not the women viewed themselves as “women human rights defender”, a “human rights defender” or both. I was also then able to build upon their response to this question in the one-on-one interview.

On the questionnaire I also asked whether or not the women felt that participating in the interview would cause them distress in any way (Question 10). This was another way to deploy my research safeguards to help ensure that I minimise potential harm in any way. Two women answered “yes” to this question and as a result were not asked to participate in an interview.

In the end, the questionnaire was a useful tool to obtain consent and to allow women the opportunity to ask questions and to exclude themselves from participating in my research. However, not all women filled out the questionnaire prior to the interview, for various reasons. One was not contacted initially by Front Line Defenders, and the four participants from the CAHR said that while they wanted to participate in the research they simply did not have time to fill out the questionnaire in advance. I therefore had to incorporate what I considered to be the most important questions into the early part of my one-on-one interview with these women. Due to this lack of consistency in questionnaire completion, I do not consider the content of the

⁶⁵ Front Line Defenders and CAHR contacted those who identify as “women” and “human rights defenders”.

questionnaire particularly as part of my findings. In the future, I would shorten the questionnaire to only 3-4 questions, so even if there was not time to fill in the questionnaire in advance of the interview it could be more easily completed prior to the start. I also would have sent the questionnaires directly to the participants myself, rather than working only through a gatekeeper. I discuss further complications that arose as a result of working with mediating gatekeepers in the following sections.

2. One-on-one interviews with WHRDs

After consenting to take part, I conducted one-on-one interviews with participants. The interviews with the women HRDs were semi-structured, and referred to methods of qualitative interviewing presented in Alan Bryman's *Social Research Methods*. An interview guide was used allowing the same questions were asked to each participant (Appendix F). In accordance with Bryman, interviews were flexible, and progressed in accordance with the interviewee's framing and understanding of the questions (Bryman 2001). I also referred to the *2007 Handbook of Feminist Research* edited by Sharlene Nagy Hesse-Biber, most specifically the methods of "feminist interviewing" outlined by Marjorie L. DeVault and Glenda Gross. Open-ended questions were used in the beginning of interviews, followed by more specific questions. All interviews were recorded. The flexible nature of the interviews caused a variance in length, and interviews lasted between thirty minutes to one hour. These interviews were conducted in-person as well as via Skype, an online communication tool. From my background working with WHRDs and HRDs, I was familiar with Skype as a tool used by many in the human rights activists as a secure means through which to facilitate communication between individual HRDs and supportive organisations. I conducted four interviews via Skype.

I initially structured the interview questions in terms of the three-tiered, interwoven identity framework as highlighted by Bhikhu Parekh in *A New Politics of Identity: Political Principles for an Interdependent World* (2008). Parekh argues that a person's identity has primarily three related and overlapping dimensions: *human identity*, relating to a person's relationship to the universal/abstract concept of "human being"; *social identity*, relating to a person's relationship to a particular political, social and cultural environment and *personal identity*, relating to a person's own sense of self and who he/she is (Parekh 2008). During the interviews I asked questions associated with *human identity*, such as how research participants understand concepts such as "human rights" and "universality"; *social identity*, how they understand themselves as political

actors and women human rights defenders; and *personal identity*, how they understand themselves as women. Questions were open-ended, probing women to tell me how terms such as “vulnerability”, “human rights” and “human rights defender” “mean to” them and affect them in their lives and work. I tried to ensure the conversations were not rushed, allowing space for meaningful pauses and for women to be able to think through their answers before responding. I particularly paid attention to the ways the individual women used the discursive language of the HRD framework to understand themselves and their identities.

I was initially concerned when Front Line Defenders recommended that I interview some women electronically prior to meeting them in person in Dublin. However, in the end I found the Skype interviews in some more beneficial than the in-person interviews. As the Skype interviews were able to be arranged at the interviewee’s leisure, the whole process was in their control. The women I interviewed via Skype (Yasmeen from Bahrain, Sophia from Malaysia, Sandy from Uganda and Hope from Zimbabwe) appeared able to relax and respond freely to questions, as well as asking me questions about my project. In-person interviews, particularly those in Dublin during the week of the Front Line Defenders bi-annual conference (Hannah from Kenya, Nawal from Pakistan), felt slightly more hurried. These women were in-between events and did not have as much time to think through their responses or ask me questions in turn. From this experience I learned the importance of the environment of interviews, as well as not to discredit Skype as a valuable interview tool. When transcribing Hannah’s and Nawal’s interviews, I found I did have difficulty discerning particular words over some loud background noises, which slowed the transcribing process. I also interviewed Talia from Sudan the day after the Front Line Defenders’ conference ended, as she was staying in Ireland a few extra days to do an additional training with the organisation. I travelled to her hotel outside of Dublin city to meet with her. However, during our conversation, I had to pause the interview when we were twice interrupted by a member of Front Line Defender’s staff. The staff member knew me personally and did not seem to fully grasp my request for a private conversation with Talia. In York, however, I was able to meet and converse with each of the 4 women on her own, in a quiet office on the University’s campus. This was a much more ideal setting than interviewing women during a busy international conference. I intend on taking such lessons into account in future research projects.

I also found that, despite all the information provided before the interview, some of the women were somewhat puzzled at times by my choice of questions. As individuals who

interact regularly with international actors invested in the HRD framework, I believe that these women expected more direct questions relating to their work and the risks they face, versus questions concerning their identity as women. This was certainly the case with my first interview with Hope from Zimbabwe. I decided after my conversation with Hope that I would alter the order in which I asked my questions. I commenced the remaining interviews by asking more general questions concerning “human identity”, such as “what does the term human rights mean to you?” I found this was a more useful strategy than asking questions about their gender identities from the outset. I did find that some women were very uncomfortable with the questions related to their female gender, struggling to answer the question of “what does being a woman mean to you?” This reveals a noteworthy tension that I unpack further in the following chapters.

In the following section is a table of the 11 women I interviewed and their occupations in the field of human rights. A more detailed account of their local contexts in which they work – in particular current commentary/critique of the country’s human rights record, is found in Appendix A. The personal descriptions of each woman’s human rights activities below are based on her own words as provided in her questionnaire and interview. To protect anonymity, I use pseudonyms and offer only basic details about each woman’s organisational affiliations.

Sandy, Uganda	Sandy works with a major human rights network to monitor and report on the situation of LGBTI persons in Uganda. She has been an LGBTI activist for over 12 years.
Yasmeen, Bahrain	Yasmeen has worked for a prominent human rights NGO in Bahrain since 2010. She focuses on advocacy, networking as well as issues related to women and children’s rights. She has extensive experience engaging with international human rights mechanisms.
Veronika, Russia	Veronika is a human rights lawyer, active on issues pertaining to civil and political rights, specifically working on cases concerning the right to freedom of assembly and expression. She has been active in her field for over 15 years, with previous experience such as working for the Russian chapter of Amnesty International.

Hannah, Kenya	Hannah has been active as a human rights lawyer for 23 years. She currently works on issues concerning the rights of indigenous people, particularly related to the control of land and natural resources in Eastern Kenya.
Sophia, Malaysia	Sophia is a human rights lawyer in Malaysia, working for a prominent legal NGO that provides urgent arrest services and legal advice to political prisoners. Her work concerns the protection of civil liberties and prosecuting extrajudicial killings.
Karina, Kyrgyzstan	Karina is a former University lecturer in political science and a current human rights advocate. She works for an Osh-based NGO that offers legal support to activists, while also advocating for civil and political rights and the rights of migrant workers and minorities. She has been active in the NGO sector since 2006.
Nawal, Pakistan	A lawyer by training and a human rights activist, Nawal campaigns for online safety and internet access in Pakistan. She has been active in her work since 2012.
Talia, Sudan	Talia has been active in the field of human rights advocacy for over 27 years. She currently works as a project manager in the area of governance and human rights. Her previous human rights work focused on violence against women, civil and political rights, and personal and security training for human rights activists.
Myra, India	Myra works for a women's rights NGO based in northeast India, advocating for a full range of women's human rights as well as documenting rights abuses during armed conflict. She has worked in this sector for over 20 years.
Hope, Zimbabwe	Hope is a human rights lawyer, working in public interest litigation and lobbying. She has been active in her role as a human rights advocate for over 10 years.

Deena, Egypt	Deena works for the realisation of women’s legal rights in Egypt, both in terms of domestic law and also customary and “Sharia” legal systems. She works with both urban and rural/tribal women. She has been active in these activities since 1994.
--------------	--

3. Group discussions with WHRDs

At the conclusion of each one-on-one interview, I asked each participant if she was interested in taking part in a group conversation with other women who self-identify as human rights defenders. I originally intended on leading a formal “focus group interview”, during which “the facilitator more closely controls the group interaction” (Boddy 2005, 251-252). However, in the end I opted for a less formal “group discussion”⁶⁶. I hoped to be able to conduct one group discussion with the participants at the Front Line Defenders’ conference in Dublin, and another for the participants at the CAHR in York. However, due to time restrictions and other setbacks, I was not able to conduct a group discussion in Dublin. I was able to conduct one group discussion with three out of the four women in York (Karina from Kyrgyzstan unfortunately had a conflict on the day of the group discussion). The purpose of the group discussion was to observe whether or not the women’s responses changed or varied in a group setting when compared to those responses offered in the one-on-one interviews. I therefore designed the group discussion in a similar fashion to the one-on-one interview, with broad open-ended questions and allowing lots of space for women to contribute their thoughts and to ask me questions as well.

The group discussion in York was recorded, and lasted one hour and 20 minutes. The three participants were Deena from Egypt, Veronika from Russia and Myra from India. The women were all familiar with one another, having spent the prior two months together in the same programme in York. I found this contributed to a friendly, comfortable group dynamic. This dynamic could not have been achieved with a group of women in Dublin, as they would most likely have been meeting one another for the first time at the conference and therefore would not have had a previously established rapport.

⁶⁶ For more information on the difference between “focus group interviews” and “group discussions” as qualitative research methods, see Boddy 2005.

I started the discussion with an open-ended question, asking generally what Deena, Myra and Veronika felt about my project, and my decision to research the HRD framework by speaking with only women. The conversation flowed with little direction on my part, due to the women's comfort and familiarity with one another. I asked whether or not there is a "role" for women in human rights work, and what this role "looks like". The answers varied, and the small group size gave the women the space to expand upon their answers and to respond to one another easily. The discrepancy between the terms "women human rights defender" and "human rights defender" was discussed without my prompting, as was their own reasoning for preferring one term over the other. In addition to a transcript of our one-one-one conversation, I sent Deena, Veronika and Myra a copy of the transcript of the group discussion, giving them the opportunity to alter any contributions they had made during the conversation. None of them chose to alter any of their responses.

In the end, I chose not to directly cite the transcript of the group discussion in the discourse analysis presented in Section IV. I made this choice to be consistent and not to skew the analysis by giving disproportionate space to the ideas of the three women who participated in the group discussion. I felt that I could not treat a woman's response in a one-on-one setting in the same manner as I treat a response in a group setting. I would have had to outline the group responses separately, and there was just not adequate space for such a task in this thesis. I also would have drawn my analysis from unbalanced responses, with substantively more contributions to draw from by three women versus the remaining eight. Despite this limitation the group discussion contributed to my ability to draw out the dominant themes in the way gender works within the HRD framework. I discuss these themes in the introduction to Section IV. I would have liked to have conducted the two group discussions as I had intended, or even one with all 11 participants.

4. One-on-one interviews with Human Rights Experts

Due to the international dimension of the human rights defender framework, when designing my research project I thought it may be useful to speak with some of those actors involved at the "international level" of the framework, most particularly within the United Nations. I hoped to better understand the development of the framework in its early years, as well as the rationale behind why a specific "gender-stream" was incorporated. As such, I approached two "human rights experts" who were attending the Front Line Defenders' international conference in Dublin and requested an

interview with each. Michel Forst is the current UN Special Rapporteur on the situation of human rights defenders, and a former member of the executive board of Front Line Defenders. Mary Jane Real is a founding coordinator of the Women Human Rights Defenders' International Coalition (WHRD IC). Due to their different positions within the human rights defender framework, I asked different questions during my conversations with Michel Forst and Mary Jane Real.

With Michel Forst, I asked questions related to his position as UN Special Rapporteur. I asked more generally about the evolution of the position's mandate and the challenges he faces in his role. I also asked specifically about women in the framework, and found that his responses varied little from prominent discussions in HRD discourse. I found Michel Forst's interview useful to a certain extent to my discussion of the position of the Special Rapporteur as outlined in Chapters 2 and 3. My conversation with Mary Jane Real was more uniquely women-focused, as Mary Jane Real identifies as a feminist and works predominately with women activists. She told me stories she had heard during her years of work as an advocate of women's human rights and human rights defenders, including specific cases concerning the choice of some women to reject the term "HRD" outright for themselves. We discussed how the term "women human rights defender" is a strategic one, with strong international and political undertones. I also asked questions relating to the first meeting of the WHRD IC in 2005, when the term "women human rights defender" was defined.

The interviews with Michel Forst and Mary Jane Real were rather informal, taking place in a busy hotel foyer in Dublin at the conclusion of the conference. I was able to record and transcribe both interviews. However, I had trouble deciphering phrases during the interviews due to the loud background noises. I found both interviews were useful in providing additional support for some of my own conclusions about the HRD framework and its progression since 1998. My conversation with Michel Forst was predominately about the mandate of the Special Rapporteur and his activities – he spoke diplomatically and directly. Due to time restraints I was not able to receive many concrete answers concerning his perspectives on women who are human rights defenders. My conversation with Mary Jane Real in particular provided insight into the types of research questions that may be relevant for future research projects on women in the HRD framework. I choose not to directly cite these interviews in the thesis, although I may draw on them in future research projects.

Needless to say, I did not meet all of my objectives of the four phases of data collection. However, despite the limitations and setbacks, I am still proud of the data I was able to collect, and was deeply impressed with the breath and scope of the conversations I had with each of the research participants as well as to a lesser extent with Mary Jane Real and Michel Forst. In the next section, I offer a more detailed chronological account of the periods of data collection, supported by my gatekeepers Front Line Defenders and CAHR.

Data collection windows

I had two main, overlapping “periods” of my field work journey, the moments in which I engaged with women who self-identified as part of the HRD framework. In this section I breakdown these periods and the two organisations that were crucial in contacting my project’s participants. A more detailed account of the timeline of the fieldwork period is found in Appendix G.

1. October – November 2015: Front Line Defenders

Every two years, Front Line Defenders hosts the Dublin Platform for human rights defenders at risk. The 3-day event takes place in Dublin City Castle, and is a large international forum for “human rights defenders” from all over the world. For this event Front Line Defenders invites over 100 men and women HRDs to travel to Dublin to offer documented testimonies from the field of human rights advocacy and network with other activists. I received permission from Front Line Defenders to attend the event, which took place from the 4-6 November 2015, and to interview some of the women who were travelling to Dublin to take part in the Platform.

To prepare for the event, I attended two separate meetings at Front Line Defenders’ office in Dublin, on the 13 May and 31 August 2015. At these meetings I discussed my plan for the Platform with members of Front Line Defenders’ staff, providing an outline of my research plan and project (Appendix J) as well as a copy of all the forms I would be sending to the individual women who were interested in taking part (Appendix I). At these meetings we discussed my expectations during the event and the support I hoped to receive during the week. Due to the intense, time-consuming nature of the Platform, I was encouraged during these meetings to interview some women via Skype prior to their arrival in Dublin.

In September 2015, as the list of attendees for the event was being finalised, a staff member from Front Line Defenders served as the initial contact for the potential women participants. I had no contact with the women until after they communicated with Front Line Defenders and expressed an interest in taking part. These women were emailed initially if they had necessary level of English required to participate (this was to the discrepancy of Front Line Defenders' staff and the event organisers, who were familiar with each women's work, background and language skills). The staff member contacted the women with a copy of my project information sheet and a brief, generic introductory email I had written, presenting myself and my project. If women expressed an interest in participating, I was sent their email address and I was able to contact them directly.

I sent each woman who agreed to take part the questionnaire, which asked if they wanted to be contacted for an interview. I received nine questionnaires from women attending the Platform, and seven agreed to an interview. I interviewed four prior to the event via Skype, and three during the event. While my intention was to have all seven together for a group discussion during the Platform, scheduling conflict and time-constraints made this unfortunately impossible. I was, however, able to meet with and have many conversations with each of the women throughout the event (with the exception of Yasmeen from Bahrain who was not able to attend the Platform at the last minute).

2. 25-28 November 2015: the Centre for Applied Human Rights

The Centre for Applied Human Rights (CAHR) at the University of York invites human rights defenders to travel to York to take part in a Protective Fellowship Scheme for Defenders at Risk. During their stay in York the HRDs take part in personal and digital security trainings, present and share their work with students at the centre, give public talks and lectures and have the opportunity to carry out an initiative of their own choosing. In order to take part in the Scheme, HRDs are required to have a proficient level of English speaking and writing skills. There were four participants in my project from this scheme. I worked with the programme coordinator of the Fellowship Scheme – sending an abridged copy of my project proposal (Appendix J) and the material I wanted to send to the participants (Appendix I). The coordinator contacted each woman in advance with copies of my project information sheet and consent form. When they agreed to take part in my project, a copy of the questionnaire was sent (also by the CAHR staff member). I was included directly on every email sent to the women

when asked to take part. I also did not contact them directly myself before the interview, and all correspondence went through from the Centre. I was allowed to get each woman's email address during the interview however to follow-up with the copies of transcripts and so on. However, while each of the women said they looked through the questionnaire, they did not have time to complete it before the interview. I incorporated some of the most basic questions (how they self-identify, their work/occupation and so on) into the start of each interview.

I was given access to an office space in the CAHR building on the University of York campus, and an interview schedule was arranged for me in advance. I was able to conclude my time in York with a focus group discussion with three of the women. Unfortunately, Karina had another engagement and was unable to make the group discussion.

Research limitations

While I was content with the richness of the data I collected from the questionnaires, interviews and focus group, I recognise that there were some limitations to my research methods. I also did not meet all of the objectives of the data collection. In this section I outline two particular limitations concerning working with gatekeepers as well as the language restrictions of the participants.

1. Working with gatekeepers

In addition, while going through gatekeepers proved to be quite an effective means to contact women, I was not able to initially introduce myself as a researcher, my objectives and my project to the women themselves. This may have deterred some women from taking part. I also had a much different experience working with the CAHR versus Front Line Defenders. The CAHR not only provided a space for interviews, they even scheduled each one over my two-day visit. However, I do wonder if the interviewees in York would have been more motivated to complete their questionnaires in advance of the interview if I had been able to be in contact with them directly. In addition, despite in-person meetings and several emails with Front Line Defenders, they offered very little support during the actual Platform, and left me on my own to reach out to women (as well as the Special Rapporteur) and try to organise conversations. I was told certain individual women were contacted to take part, but when I spoke to them at the Platform they told me they had in fact not been emailed in

advance. I also was told there would be space and time to conduct a group discussion during the conference, and this was also not the case. I was therefore not able to reach my goal of having a second group discussion with the women in Dublin, and perhaps missed out on opportunities to interview individual women who would have liked to have participated. In the end I learned the value of effective communication and perhaps the downside of having a personal relationship with an organisation prior to research. However, in the end I recognise that the realisation of my project would not have been possible without the assistance of both Front Line Defenders and the CAHR.

2. Limited selection of participants

As a result of time, limited resources and practicality, my selection of women participants was restricted to a small pool within two distinct and narrow opportunity windows. Even within the context of the Front Line Defenders' conference, featuring nearly 50 women participants in attendance, only a small percentage of those women had the sufficient English skills required to take part. The "English-speakers only" provision of the research was strategically chosen due to the type of discourse analysis I wanted to do with the interview transcripts, as well as to avoid complications (i.e. additional costs) of working with translators. While the women participants were from a diverse range of countries from many regions (Africa, Europe, the Middle East, Asia), I did not have the opportunity to interview anyone from Latin America, mostly due to language constraints. This is disappointing because Latin America has one of the well-developed regional frameworks for human rights defenders. I also did not interview any women from Western states, such as the United States, Canada or Western Europe. This is consistent with the larger trend within the HRD framework, and predominate definitions of "human rights defenders" as from non-western contexts. However, I feel this would have been a very interesting addition to my research. In the end, despite the setbacks, I was able to fulfil the most important goal of my data collection. I am fortunate and grateful to have had the opportunity to speak with 11 women from diverse backgrounds and working on a wide range of human rights issues. I found that the interviews an effective and worthwhile method of gathering data for my thesis. The women participants offered unique and stimulating responses to my questions. I thoroughly enjoyed speaking with each of them.

5.4 Processing the transcripts

The third and final method I used to carry out this project's objectives is a discourse analysis of the interviews I conducted with women human rights defenders. As mentioned previously, when designing my interview process and engaging with women participants I referred to the concept of "feminist interviewing" as discussed by Marjorie L. DeVault and Glenda Gross. In their article, DeVault and Gross offer an in-depth account of how feminist scholarship has contributed to new ways of collecting and processing qualitative data, from addressing potential imbalances of power throughout an interview process to studying populations and topics previously unexplored (DeVault and Gross 2007). I was particularly attracted to their conception of "active listening" as a method in feminist empirical research. According to DeVault and Gross, "active listening" includes:

More than just physically hearing or reading; rather it is the fully engaged practice that involves not only taking in information via speech, written words or signs, but also actively processing it - allowing that information to affect you, baffle you, haunt you, make you uncomfortable, and take you on unexpected detours...toward peoples, knowledges and experiences that have been disavowed, overlooked and forgotten. (DeVault and Gross 2007, 182)

This process of "active listening" goes beyond the time of the actual interview, contributing to an engaged process of not only transcribing but "sitting with" the responses, thinking about their meaning, and allowing them to "speak". In addition, DeVault and Gross highlight how feminist perspectives in qualitative data analysis oftentimes involve a "critical approach" which involves not necessarily taking an interviewee's statement at face-value, as well as recognising the presence and influence of the linguistic and discursive contexts through which stories are "told". Such an approach does not involve "dismissing" or "debunking" a participant's account, but rather taking a view that "strong feminist research" goes deeper than the spoken word. This approach sees an "experience recounted" as "always emergent in the moment" and directly shaped by the "listener" or interviewer herself (DeVault and Gross 2007, 179). I found this useful in my experience as an interviewer and researcher and sought to actively incorporate these ideas into my collection and assessment of the empirical data.

After transcribing the interviews, I repeatedly read and re-listened to the interview transcripts. I “sat” with the data, allowing the words of the women themselves “to speak” to me as a researcher. The data gave rise to two thematic distinctions that I present in two interpretative chapters in Part IV. In processing the interviews I considered several different methods of “close textual analysis” (Gannon and Davis 2007). I focused on those methods that are consistent with my project’s epistemological positionings and commitment to discursive practice as a producer of knowledge and power. I chose to carry out a transparent, evidence-based discourse analysis and looked at several possible approaches within social science research. I was particularly drawn to the work of Ruth Wodak (Wodak 2014; Reisigl and Wodak 2009; Fairclough and Wodak 1997). Wodak’s understanding of discourse analysis draws extensively from critical discourse analysis (CDA), specifically in terms of perceived “dialectical relationship between a particular discursive event and...situation(s), institution(s) and social structure(s)” (Fairclough and Wodak 1997, 258). While not necessarily identifying as post-structuralist, Wodak’s theorisation of discourse analysis understands “text” as “often sites of social struggle in that they manifest traces of differing ideological fights for dominance and hegemony” (Reisigl and Wodak 2009, 89). Language and discourse are not “powerful on its own – it is a means to gain and maintain power by the use powerful people make of it” (Reisigl and Wodak 2009, 88). I would argue that this idea of discourse working to de-legitimise and legitimise modes of hegemonic power strongly intersects with (feminist) post-structuralist thinking.

In the design of my analytical framework, I was particularly drawn to the interdisciplinary qualities and principles of Discourse Historical Approach (DHA) (2009). My analysis considers both structural and substantive aspects of the women’s utterances as recorded in interview transcripts. In so doing, I use two key concepts in discourse analysis as outlined by the DHA. The first is “perspectivisation” which pays attention to the “positioning [of] the speaker’s or writer’s point of view and expressing involvement or distance” (Reisigl and Wodak 2009, 94). Mapping “perspectivisation” enables me to assess how women human rights defenders understand and are positioned within human rights defender discourses and the associations produced between the female subject and vulnerability. I observed perspectivisation at work throughout the interview transcripts. For example, I paid attention to the use of first person, the “I” and “me” to make affirmative claims. I contrasted these moments with the use of second or third person, “you”, “we” and “they” – recognising the attempt at distancing from certain claims. The second concept is “argumentation”, through which I

consider the implicit and explicit “justification and questioning of claims of truth and normative rightness” (Reisigl and Wodak 2009, 94) articulated by participants. For example, through argumentation I was able to draw out the moments when a woman made a declaration of “truth” concerning human rights defenders, such as the urgency of their work and their “implicit” social value. Focusing on perspectivalisation and argumentation in this way allows me to identify the discursive mechanisms that normalise vulnerability in female embodiment as well as the discursive strategies that undermine the stability of this association. These two analytical approaches also assist in making visible the performativity of being a “women human rights defender”, and to expose what is actually happening discursively in the naming of women as HRDs.

According to Glynos et al., this type of discourse analysis “offers insight into the interplay between social structures and individual actors, and offers a way to reconceptualise subjectivity and agency in more cognitivist terms” (Glynos et al. 2009, 18). Throughout my project I recognise the value in the meaning of the spoken word, understanding the struggle “to be” and the tension between attempting to position oneself and being positioned by discourse. This “interplay” between the individual and society/institutions of power is a reoccurring theme in the HRD framework. As such, I found the discourse analysis a particularly useful methodological approach in my assessment of voices and words of the research participants.

5.5 Conclusion

In this chapter I outlined the theory of knowledge that underpins my research practice and my values as a researcher. I also unpacked two of the central methods I employed to realise the objectives of this thesis: a qualitative data collection and interviews with women who self-identify as human rights defenders and a transparent discourse analysis of the interview transcripts. In particular, I discussed my field work journey and my decision to engage with women who self-identify as part of the HRD framework. Through prioritising women’s perspectives, I wanted to offer a new, richer picture of what is happening in naming of individuals as “human rights defenders”. This thinking is a tribute to feminist standpoint theory, and the intentional privileging of women’s voices and perspectives in research. The choice to privilege women’s voices (and not men’s) reflects my own observations of the continual marginalisation of women in the paradigm. This also overlaps with an epistemological commitment to post-structuralist thinking. I recognise “discourse” as a source and producer of

knowledge, and the need to break with notions of “subjectivity” as static and one-dimensional. Building on this theoretical base, my project looks at the way women human rights defenders use the discursive repertoire of the paradigm to narrate an account of their own identities and experiences.

In the following chapters, I assess the women’s responses through tools borrowed from the Discourse-Historical Approach (DHA) to discourse analysis. However, I recognise the epistemological paradox of my research methods. My project is just a “window” – I am founding my assumptions based on what the women are saying they are doing, rather than a deeper ethnographic methodological approach of seeing what *exactly* the women *are* doing. I am aware of these epistemological limitations. However, I am confident in the relevance of the observations made through my chosen methods. By looking through this window I am drawing forth the “being” in moments of speaking and valuing the evidence of women’s lived experiences as reported by the women themselves.

My decision to carry out this project stemmed from observations made during my time working for Front Line Defenders, an organisation embedded within the international human rights defender framework. I specifically reacted to the automatic definition of women as more vulnerable (particularly in terms of sexual violence) than men by official rhetoric of the paradigm. I continue to have a valued, normative stake in the broader international human rights project. My research methods reflect these commitments, while also maintaining a critical perspective from outside the HRD space. My inquiry into the HRD framework and the larger human rights project attempts to make visible the hidden discourses at work in the naming of women as HRDs.

Through repeated readings and transparent discourse analysis, the following two chapters present a layered exploration of how women human rights defenders attempt to position themselves, and are positioned in/through, human rights defender discourses.

Part IV: Findings and Analysis

In the next two chapters I present an examination of the struggle to be a woman *and* a human rights defender (HRD), that is, the core discussion and analysis of this thesis. Specifically, drawing on the data collected, I scrutinise how gender operates within the human rights defender paradigm. My inquiry uses accounts of women human rights defenders' experiences to bring into view a picture of the contestations and myths of the HRD as promulgated in the discourse.

As a preface to these two chapters, I first reiterate the key tenets of dominant narratives concerning *who is* a human rights defender as promulgated in HRD discourses. This picks up from the analysis presented previously in Chapters 1, 2 and 3 of this thesis. Second, I set out my substantial analytical framework, that is, the key analytical tools I deployed to process the voices and insights of the research participants. And third, I briefly introduce the prominent thematic findings that emerged from this research. This initial discussion launches the investigation and analysis presented in Chapters 6 and 7.

The human rights defender narrative

In this section, I briefly restate the principal tenets of the “human rights defender” narrative in popular discourse:

Lone defenders of rights

Despite the inclusion of “*individuals, groups and organs of society*” (UNGA 1998a) in the official title of the 1998 Declaration on Human Rights Defenders, the HRD framework rarely deals with “groups and organs of society”. For example, in 2014 the UN Special Rapporteur on the situation of HRDs took up the cases “of more than 530 individuals”, and offered no such figure for “groups” (HRC 2014, 4). The focus on the individual is particularly seen in the rhetoric of international NGOs who champion the HRD framework. There are several annual awards presented by institutions predominantly in European contexts (traditionally sponsored by governments and international NGOs) geared specifically to recognising *individual* HRDs “at risk”. An example is the Martin Ennals Award (MEA) for Human Rights Defenders. From 1994–2016, 21 out of

the 23 winners of the MEA were individuals, and two were groups⁶⁷. In addition, the organisational slogan of Front Line Defenders is “protect one, empower a thousand”. According to the organisation, “across the world, *individuals* take immense risks to defend the rights of their communities” (Front Line Defenders 2015) (my emphasis).

Brave and righteous heroes

According to the HRD framework, the work of human rights defenders requires “in many instances, tremendous courage” (OHCHR 2004, 8). Human rights defenders are presented as acting peacefully, righteously and heroically to promote and protect human rights in their own borders. “Human rights defenders are some of the bravest people in the world” (Amnesty International 2015). The “voice” of the HRD is the “voice of peace” (UNCHR 2005). The work of human rights defenders is viewed as urgent and necessary, having “a multiplying effect on the protection of human rights”, and “wherever human rights defenders are under attack, respect for human rights is curtailed” (UNGA 2008, 19). Human rights defenders are “the lifeblood that our democracies need in order to flourish and survive over time” (HRC 2017a, 3) and “*individuals* motivated by their hope for a better world” (HRC 2017a, 15) (my emphasis). Individual HRDs are revered and celebrated uncritically for doing the selfless “good work” of promoting and protecting human rights.

In battle with “the state”

According to the Office of the High Commissioner for Human Rights (OHCHR) “the State is the primary perpetrator of violations against human rights defenders” (OHCHR 2004, 14). As discussed in Chapter 2, on the surface, the HRD framework is approached as a means through which “good states” (predominately in the West) challenge the activities of “bad states” (predominately non-Western) by supporting exceptional, individual activists within these contexts. The emphasis on states is consistent with hegemonic interpretations of human rights. This discourse is also linked to the idea that defenders are *righteous individuals*. “*One* defender...terrifies an oppressive regime” (Front Line Defenders 2015) (my emphasis). In addition, the HRD does not need to adhere to “legal correctness” in their arguments – the HRD’s work can disregard national legislation “as long as the person is defending a human right” (OHCHR 2004, 9). In this discourse, the role of the HRD is cast as challenging the monolithic actor of

⁶⁷ Winners of the MEA are selected by 10 human rights organisations: Amnesty International, Human Rights Watch, International Federation of Human Rights, World Organisation against Torture, Front Line Defenders, International Commission of Jurists, Human Rights First, International Service for Human Rights, Diakonie Germany, and Huridocs. For more information, see: <http://www.martinennalsaward.org/>

“the state” or the “oppressive regime”. The state is framed as “other” to the “one” individual human rights defender, and in so doing bolsters the ascribed attributes of the HRD as “heroic”, “peaceful”, “righteous” and “brave”.

Accepting “universal” human rights (particularly the case for WHRDs)

“Human rights defenders *must accept* the universality of human rights” (OHCHR 2004, 9) (my emphasis). In HRD discourses, activities to “promote and protect universally recognised human rights” (UNGA 1998a) involve a distancing from local communities and cultural practices. This is particularly the case with women human rights defenders, whose rights are “often...violated by members of their own communities” (OHCHR 2004, 14). In addition to risks faced as a result of being a HRD, women in this framework “may also face pressure from their *own* families and communities” (Amnesty International 2015) (my emphasis). While not wanting to downplay the instances when women are subjected to harm as a result of local customs and norms, it is telling that this discourse enters conversations only when they pertain to WHRDs, and only in a uniformly adverse manner. Consistent with hegemonic approaches to human rights, associations of “culture”, “family” and “community” are always implicitly negative in human rights defender discourses.

Representing and protecting others

Human rights defenders, according to popular representations, “address any human right (or rights) *on behalf of* individuals or groups” (UNCHR 2004, 2) (my emphasis). They *stand for* others in their defence of human rights. This further contributes to the understanding of HRDs as actors working to defend civil and political rights in the public sphere where the state is failing in its duties to do so. To violate the rights of human rights defenders is to violate the rights of the whole population: “the protection of defenders is an indispensable element of the social and institutional framework for the protection of all human rights” (UNGA 2008, 19). The most common occupations of human rights defenders are lawyers, journalists or media professionals (HRC 2010; 2017a). “Human rights defenders are people who champion and fight for human rights of *other* people” in the form of freedom of speech and expression and access to the rule of law (Amnesty International 2015) (my emphasis). Human rights defenders are lauded, therefore, as honourable leaders who gallantly represent the interests and needs of others.

Advocating for “the vulnerable”

Human rights defenders advocate on behalf of “vulnerable populations” (OHCHR 2004, 5). Human rights defenders “speak on behalf of the weak, the vulnerable, and the disenfranchised” (Gilmore 2011). In conversations about who qualifies as a HRD, therefore, the “human rights defender” is not cognisable as a vulnerable subject unless and until a distinction is made based on “gender”. Women defenders are “particularly vulnerable” (OHCHR 2017c; OHCHR 2004) and one of the “most exposed groups of HRDs” (HRC 2014). These perceptions are ostensibly based on the ascribed susceptibility of female bodies to (sexual) violence perpetrated by men, as well as women’s essential vulnerability to oppressive community and family structures. To be “a woman”, according to HRD discourses, is to be by definition “vulnerable”.

In Chapters 6 and 7, I investigate how the responses of the women defenders interviewed coincided with, amended, rejected and/or reinterpreted these main tenets of the HRD. In particular, I question notions of ascribed female vulnerability in HRD discourses. The tools deployed to analyse associations of vulnerability are discussed in the following section.

Analytical framework

Here, I present the analytical framework I used to process the responses of the participants vis-à-vis their identities as human rights defenders and prevailing ascriptions of female vulnerability in the HRD framework. First, I developed a “schema of vulnerability” adapted from the three ways that vulnerability is typically understood in international human rights literature as set out by Reilly (2013) and used this to capture the discursive practices at work in the transcripts. As discussed in Chapter 4, the first type of vulnerability is “prima facie”, that is, an understanding of vulnerability as based on the implications of biological and physical attributes. Ideally, this type of vulnerability is understood to be temporal and subject to changing circumstances. However, problems arise when these understandings become static and maintain that certain (particularly female) bodies are fundamentally vulnerable without referring to context or nuance. The second form of vulnerability is “discrimination-related”, when certain marginalised populations encounter discriminatory practices and policies because of who they are. This is seen in the experiences of LGBTI persons, women, children, elderly, ethnic, racial or religious minorities, and/or persons with disabilities when these aspects of their identity are used to exclude or marginalise them, for

example, from entering political life or certain forms of employment. The third is “structurally located” vulnerability and instances of indirect discrimination, when persons face a particular disadvantage due to the way they are situated in and by social, economic and political structures. This includes, for example, a public-private divide which fosters conditions of low or no pay for female-coded care work outside and inside the home. Compared with *prima facie* and discrimination-related, this latter type of vulnerability is addressed less often by human rights discourses and actors as it questions deep-rooted inequalities in existing institutions and social structures (Reilly 2013). As discussed throughout this thesis, HRD discourses promulgate women’s vulnerability as “*prima facie*”, associated with an ostensible risk of sexual violence and rape and to the environments of the restrictive cultural “other” in which they live and work.

I use this three-part schema of vulnerability (*prima facie*, discrimination-related and structurally located) as a tool to name and organise what the women participants *say* in terms of how they experience vulnerability, as well as what they *do not say*. Do women understand their vulnerability as based on susceptibility to sexual violence as assumed by the discourse? If not, how *do* they experience vulnerability? For a richer reading and to further develop an understanding of these three types of vulnerability, I incorporated into my vulnerability schema the cross-cutting and intersecting interpretation of vulnerability as a “relationship” embedded in public and social infrastructures as theorised by Butler and Gilson (Butler 2009; 2015; Gilson 2014). According to this way of thinking, while vulnerability *is* characteristic of being human, it *is not* experienced equally by all but in context-specific and relational ways. By acknowledging the ontological complexity of vulnerability and its affects, I have endeavoured to uncover the deeper and more nuanced ways in which women human rights defenders encounter and name vulnerability in their work as human rights defenders.

In my analysis I also use key feminist ideas concerning gender identity, particularly female masculinity (Halberstam 1998) and mimicry (Irigaray 1985a; 1985b). Recognising the HRD paradigm as a hyper masculine space, I use these concepts to explore how women attempt to occupy this discourse *as women*. I therefore looked for moments that revealed whether female masculinity (the conscious embodiment of a masculine subject position as a woman) and mimicry (the embrace of femininity as a means to occupy and disrupt masculine discourses) were “at work” in the voices and

insights of the women defenders. These analytical tools, a three-tiered schema of relational vulnerability and theoretical concepts from critical feminist theory, were integral to carrying out the central task of my research: to examine the ways vulnerability is *understood and experienced* by women in the HRD framework using as evidence *what they say against the discursive logic and assumptions* embedded in the framework itself.

Vulnerability and women human rights defenders

In this section I briefly introduce the main thematic findings of the research. The primary theme concerns how women negotiate ideas of vulnerability in their accounts of their activities and identities as HRDs. Assumptions about vulnerability and women's experiences are embedded in the HRD paradigm. As discussed previously, female human rights defenders are assumed to be more vulnerable than male HRDs in the framework – an assumption that is consistent with wider discourses in international human rights law, which imagine women as a “vulnerable group”. In my analysis, I looked at how the women interviewed navigated ascriptions of *prima facie* vulnerability in their own accounts of being human rights defenders. As will be demonstrated in the following chapters, while most participants accepted that women are “vulnerable” by virtue of gender, none believed themselves to be vulnerable and *all* actively distanced themselves personally from the characteristic of vulnerability in their discussion of their own identities. In the following chapters I focus on *how* women distanced themselves from vulnerability and the discursive manoeuvres used.

The second set of thematic findings relate to how gender operates in HRD discourses, the obstacles women face in their attempts to occupy the HRD framework, and the discursive constructions at work in this space. One striking finding in this regard is that a multifaceted ambiguity surrounds the term “women human rights defender”. This ambiguity exposes a fundamental struggle on the part of women to be named and to exist as subjects in HRD discourses. In both the interviews and the questionnaires I pursued the question of how participants self-identified within the HRD framework. Recognising oneself as a “human rights defender” and as a “woman” was a pre-requisite to taking part in my study. I wanted to know whether or not the participants were enthusiastic or reluctant about claiming the label of “women human rights defender” outright. As outlined in Chapter 3, according to the current UN Special Rapporteur and the Women Human Rights Defenders International Coalition (WHRD IC), those who fall

under the category of “women human rights defender” include all female HRDs, those HRDs of any gender who work on women’s issues, as well as those HRDs of any gender who work on issues related to “gender and sexuality” (HRC 2017b; Real and Chai 2006).

The ambivalence over who qualifies as a “women human rights defender” is evident in the spectrum of responses in the data collected. On the questionnaires and in the interviews, I asked participants to highlight the labels that applied to them (where they were permitted to highlight more than one term), with the options of “women human rights defender”, “human rights defender”, “human rights activist”, “member of women’s movement” and “feminist activist”. As seen in the table below, seven women identified as both a human rights defender and a women human rights defender, with four preferring “human rights defender” generally, and four identified as a human rights defender only. In the table I also break down how the women defined “WHRD” in a general sense, although these perspectives fluctuated during the interview.

<p>4 identified as “HRD” (only)</p> <ol style="list-style-type: none"> 1. Sandy, Uganda 2. Karina, Kyrgyzstan 3. Veronika, Russia 4. Yasmeen, Bahrain 	<p>7 identified as both “HRD” and “WHRD”</p> <p>4 “HRD” is more applicable:</p> <ol style="list-style-type: none"> 1. Sophia, Malaysia 2. Hannah, Kenya 3. Nawal, Pakistan 4. Myra, India <p>3 “WHRD” is more applicable:</p> <ol style="list-style-type: none"> 1. Deena, Egypt 2. Talia, Sudan 3. Hope, Zimbabwe 	
<p>5 defined “WHRD” as a women’s (human) rights defender:</p> <ol style="list-style-type: none"> 1. Sandy 2. Karina 3. Veronika 4. Yasmeen 5. Talia 	<p>5 defined “WHRD” as women’s (human) rights defender AND female HRD:</p> <ol style="list-style-type: none"> 1. Sophia 2. Hannah 3. Nawal* 4. Deena 5. Myra* <p>*expressed confusion during interview – but aligned with this definition in the end</p>	<p>1 defined “WHRD” as female HRD</p> <ol style="list-style-type: none"> 1. Hope

An additional finding concerns the ways in which, throughout the interviews, participants modified or enhanced established ideas about who exactly is a human rights defender. These reinterpretations of mainstream HRD discourses were revealed in the ways women resisted being coded uniquely as vulnerable subjects in the framework. For example, some participants alluded to strategic performances of gender and others suggested a re-articulation of a “universal” subject from a “situated” context. These moments are particularly visible through the examination of the complexities and diversities of gendered subjectivity in the framework, which is explained in detail in Chapter 7. The women interviewed, therefore, adapted the idea of “human rights defender” to make sense of their own experiences and identities in the framework, and to escape narrow and generalised perceptions that equate “women” and “vulnerability”.

In the following two chapters, I elaborate these findings by scrutinising what was said during the interviews and exposing the “invisible work” that women must “do” in challenging meaning constructions within the HRD paradigm. In addition, I highlight the intersection of these personal efforts of meaning (re)construction by women defenders with the underlying contestations of meaning in the wider HRD framework as outlined in Chapter 2: particularly with regard to ideas of “universality”, “state sovereignty” and “individual rights”. In so doing I look specifically at the ways women assert themselves as human rights defenders; how they attempt to “be subjects” in this discourse. In Chapter 6, I discuss the discursive mechanisms through which women defenders are received and/or denied in their relation with others of the state, civil society or family - as they attempt to occupy the HRD framework. In particular in this chapter I scrutinise how women trouble the public-private binary in their claims to the HRD identity. In Chapter 7, I present a typology of subjectivities in the HRD space to reveal how the participants understand their gender identities in the work they do as HRDs. Methodologically, in both of these chapters I aim to use a transparent, evidence-based discourse analysis to expose the ways in which women’s experiences and identities conform with and/or depart from dominant accounts of what it means to be a human rights defender within the discourse.

Chapter 6

6.1 Disruptions of the public-private divide

This chapter explores how a rigid dichotomy of the public and private is reinforced by and through the human rights defender paradigm. As discussed previously, classic liberal political theory embraces the public-private divide, which stresses the preservation of individual freedom by non-regulation of the “private” sphere. Specifically, in this chapter I examine how the human rights defender framework orders public and private spaces and how this affects the possible subject positions for women within defender discourse. I argue that the human rights defender paradigm privileges a public subject position that eschews associations with the private and in doing so residualises women defenders in the framework.

As explained in Chapter 5, in this chapter I deploy perspectivisation and argumentation as analytical tools to discuss how the women interviewed negotiate connotations of the public-private dichotomy in their attempts to occupy the identity of a human rights defender. I demonstrate how the subject promulgated by human rights defender discourses is produced at three levels based on configurations of the public-private divide: the state, civil society, and the community/family. The chapter is structured into three corresponding sections, concerning how the women participants interact with these ideas as they assert themselves as HRDs.

The first section, *Interactions with the state*, considers how women human rights defenders understand themselves and are positioned vis-à-vis the prevailing ideas of “the state”. In traditional human rights discourse, the state is cast as a monolithic and unitary entity that must be monitored, which sets the stage for the heroic individual human rights defender. In this section I examine how the women interviewed conceptualise and interact with the state and how they confront the state and justify themselves as public actors against dominant ideas of women’s proper place being in the “private” sphere.

In the second section, *Interactions with civil society*, I explore how the participants negotiate civil society, the “intermediary layer between the public sphere of the state and private sphere of households and the organisations within it that are voluntary and autonomous” (Bantekas and Oette 2013, 97). The human rights defender paradigm prioritises civil society as a vital realm for those claiming the HRD identity and doing

human rights defender work. This is consistent with the prevailing narrative of defenders as public actors whose role is mainly to counteract the behaviour of corrupt or rights-violating states. In this section I examine these discourses to consider the subject positions available to women in the HRD framework.

In the third section, *Interactions with the community/family*, I scrutinise the ways in which the women interviewed discursively attempt to occupy the masculine public space required “to be” a human rights defender, while also negotiating the gendered norms and expectations of their communities and families. I consider how women navigate their private lives and expectations of where they “should be” as women along with their identity as a HRD. In this section, I focus in particular on women’s understanding of familial relationships as they intersect with their public identities of HRDs. In addition, I consider what these negotiations actually mean for women – in Judith Butler’s words – as “survivable subjects” within the HRD framework.

Furthermore, this chapter exposes the different ways women human rights defenders are discursively erased as they travel between public and private spaces, by focusing on how the experience of not being seen and heard is recounted. I begin this discussion with an exploration of how women understand themselves, as human rights defenders *and* as women, vis-à-vis the public definition of the state and the national political context.

6.2 Interactions with the state

Arguably, mainstream human rights defender discourse is animated by a “David and Goliath” narrative: a lone, heroic defender standing up to a monolithic state. This metaphor originates from a Biblical story in the Old Testament⁶⁸, where a young, devout Israeli soldier (David) fought and defeated a nine-foot giant from the Philistine⁶⁹ army (Goliath), rumoured to be a depraved, ruthless and unbeatable foe. According to the story, when they saw their hero slain, the Philistines surrendered to the Israelis and the war ended (Fairchild 2017). The powerful metaphor is culturally located within Christian/Jewish religious traditions. The morally superior champion proves victorious in an impossible situation, and overcomes seemingly insurmountable odds to achieve victory. This tale captures well the protagonist subject promulgated within the HRD

⁶⁸ Biblical reference: 1 Samuel 17

⁶⁹ Present-day Palestine

framework. In the story, what makes David distinct from Goliath (other than size and brutality) is his goodness and his devotion to God; it is his faith that gives him legitimacy and the strength to succeed.

In the HRD framework, defenders are similarly championed in their efforts to contest “bad” state actors, and are buoyed by their “faith” in human rights and human dignity. The HRD framework offers a means through which HRDs are constructed as legitimate transgressions of state sovereignty as they challenge rights-abusing states. The majority of the women I spoke with work in contexts controlled by authoritarian state governments. As such, many of the women employed the dominant HRD narrative in which they viewed themselves as the lone hero going up against the illegitimate, monolithic state, in describing their own activities as human rights defenders or the activities of their colleagues. Their accounts demonstrate the persistence of the masculine public subject and its effects on the kinds of subjects women can be. Other responses depart somewhat from the conventional understanding and identify other actors in addition to the state who shape the terrain and influence their activities as defenders.

To begin, I consider the responses of Hope, a human rights lawyer in Zimbabwe. Hope says,

If there is anything that frustrates states’ efforts – or that...would provoke...states that are not observing their obligations in terms of human rights...[it’s] those people who speak on behalf of those who are...silent. (Hope, Zimbabwe)

Hope is underlining the ways in which HRDs “frustrate” and “provoke” states by advocating for the rights of others. Her use of “those people” rather than an affirmative claim to be such a HRD subject herself is noteworthy; it shows how Hope distances herself from the activities of the defender she is describing and reveals that it is not straightforward to claim this subject position for herself. Her narrative confirms that the oppressive state needs to be challenged by a self-appointed leader who speaks for those who are “silent”. The idea of a HRD as a voice for the voiceless, and as “speaking for others”, is a prevalent discursive construction evident throughout the research data. However, in this case Hope stops short of claiming to be that leader and spokesperson herself. She continues,

[It] takes the front line defenders to go and make conscious the communities, to say that, look, you are entitled to this particular right, and if the state who behaves in this manner, it means it's violating its obligations towards you – and you have the right to demand for that.

So if they [state actors] target the person who is empowering or making conscious the communities, then they know that the whole matters [sic] will be resolved. (Hope, Zimbabwe)

This statement makes an argumentative claim that confirms the traditional view of the human rights defender, that is, if the state “targets” the HRD, they wipe out the seeds of dissent and opposition amongst the wider population. The lynchpin in oppositional movements is the HRD, who is cast as the active agent who represents and empowers others. The action “to go and make conscious” suggests physical movement into the public, external space. In addition, Hope confirms a notion of the state as the primary violator of human rights and as the entity “who behaves” in such a manner that calls for a response from the informed and empowered people. However, Hope’s statements also effect a modification of mainstream HRD discourses: instead of *standing for* a vulnerable group, Hope defines the HRD *as engaging with* others, “making conscious the communities”.

Hope’s tone becomes more equivocal when speaking about her own activities as a human rights defender when she interacts with the state. She continues,

[You] find that, even if you are engaging with governments, if you are a woman what they see is your gender first before they will listen to you. So if they want to then attack you, or to respond to your concerns, they are not responding from an objective point of view. (Hope, Zimbabwe)

Here Hope distances herself from the activities of the woman defender whom she describes in the second person as a female subject recognised only in terms of her gender. The phrase “what they see is *your* gender” underlines a discursive logic that is beyond the control of the aspiring HRD who is marked as “woman”; a woman who cannot be seen as a human rights defender *because she is a woman*. Hope expresses the struggle *to be seen*, to be recognised as a HRD, and her frustration about how her embodied female identity is perceived by the state actors. Furthermore, Hope’s use of the term “objective point of view” is telling. It discloses how she sees state actors as biased against women and lacking in objectivity because they respond to the gender of

the defender and not the issues they raise. Hope sheds light on an underlying sexism WHRDs face in their work and alludes to a type of vulnerability that is discrimination-related. A male actor who presents himself as a challenger to the state will be seen; he will likely not have to face silencing/resistance or struggle for recognition as a HRD as women defenders do. This logic in turn drives the actions of state protagonists and the manner in which they “attack” or “respond to” the individual HRD.

Myra, a women’s rights advocate in India, imagined the state as a monolithic, badly behaved actor in opposition to the “good”, socially conscious human rights defenders. Myra says,

The thing is that, if you are honest in your work, I think that no one can question your integrity. My honesty and commitment is my strength. Even I challenge the state. When they refuse to give us registration...Because they [state actors]...were trying to get us to leave the human rights work, they asked us to do other type of work. So, I asked them to prove that our work is illegal, and then we will leave it - because we are not doing anything illegal. Human rights is not illegal work. (Myra, India)

In contrast to Hope, Myra uses the first person assertively to directly claim her position: “Even *I* challenge the state”. She is the “honest” human rights defender and it is her “strength”, “integrity”, “honesty” and “commitment” that contribute to her work. These are the qualities of the righteous HRD in contrast to the badly behaved state protagonist who is trying to undermine the good, hard work of defenders. Myra addresses the state as a unitary entity that she engages with and directly addresses. She “challenges” the state which is the bully of the public sphere, and her ammunition for battle is “human rights work”. This work is legitimate; it is “not illegal work” and should be understood as distinct from “other types of work” that fail to challenge the Goliath of state power. Here Myra is rooting the legitimacy of her work in the legitimacy of international human rights, superseding the context of the badly behaved state. The responses from Myra and Hope above align with dominant ideas in the HRD framework concerning the state in contrast with the righteous individual defender.

The assertion of the universal applicability of international human rights emerged as contentious vis-à-vis local religions and cultures. According to Sandy, an LGBTI activist from Uganda,

And people in my country who are really defending, we don't understand these questions –why do you [people in Uganda] have to ask me my religion? Why do you ask me about my culture? I'm just a woman and I am a Ugandan – so, why do you ask me those things? (Sandy, Uganda)

Significantly Sandy uses the first person tense here: “I am just a woman and I am a Ugandan”. She asserts her identity against questions on grounds of religion and culture. In Sandy’s interview, she understands the state as the target of her activism and the entity that she seeks to reform, as well as the space in which to assert her citizenship as central to her self-perception as an HRD. In her response, Sandy expresses a deviation from the prevailing ideas concerning HRDs and the state. Her claim to her HRD identity is rooted in her citizenship and identity as a woman; she rejects associations with a culture and religion that seek to deny her HRD identity. Her claim to be a legitimate HRD and political subject infers an argumentative understanding of the human rights defender as a public actor.

Veronika works in Russia on issues related to civil and political rights. Regarding what human rights means to her, Veronika says,

It is impossible to evaluate the violation of human rights if one guy is beating other guy. But if one of these guys has the power - a different kind of power, for example it can be King and just a person from the state. Or government spokesman and non-citizens. Or it can be employer and employees. Or it can be child and parents. We have to be sure that these persons have different power from the beginning - and I would be involved in the situation if I saw this difference. (Veronika, Russia)

Veronika defines human rights in terms of differentials in power. Her argumentative claim of “a different kind of power” pushes boundaries of established thinking in the human rights project. She is claiming that the defence of human rights is not just about states. This thinking questions the idea of the monolithic state as the main source of human rights abuse. Rather, according to Veronika, rights abuses are the result of imbalances of power and therefore contesting power is central to her vision of human rights defence. Veronika alludes to a type of vulnerability that is structurally located and related to *where* and *how* a person is embedded in society in relation to dominant modes of power. In her examples, she names individual actors as the primary rights-abusers: the “King”, “government spokesman”, “employer” and “parents”. By dispersing the central problem in rights discourse, Veronika is contributing to breaking down the

public-private divide as well as the narrative of the publically based or orientated state versus individual HRD narrative. The actors Veronika names are not only “public”; Veronika specifically refers to familial life, power differences between the “child and parents”, as a space where human rights can be violated. By contesting the strength of the monolithic state she is deconstructing the individual, liberal (male) hero of HRD discourses.

The “David versus Goliath” narrative in HRD discourses is deeply gendered. It is coded masculine in ways that restrict the subject positions available to women in the HRD space. The women in this section revealed the ways they negotiate and even at times challenge this narrative, vis-à-vis their own identities and experiences in the HRD framework. In the next section I explore how the participants navigate civil society, the intermediary space that is cherished in human rights defender discourses as it is distinct from both “the state” as well as “the private” realms of social life.

6.3 Interactions with civil society

In *Gender, the Public and the Private*, Okin discusses civil society as an intermediary space connecting the public and private spheres. In the separation of state and society, “civil society” sits in the realm of society. In the binary of “non-domestic” and “domestic” it belongs to the non-domestic (Okin 1998). In political theory, civil society is traditionally understood as the “weaker” mode of the public sphere and more open to women’s participation (Fraser 1990; Jagger 2005; Phillips 1999; Tinker 1999). Proponents of HRD discourses champion civil society as integral to the work of human rights defenders. According to the UN High Commissioner of Human Rights, Zeid Ra’ad al-Hussein,

Every day in every part of the world, civil society contributes to the promotion, protection and advancement of human rights. Whatever they call themselves...human rights defenders, human rights NGOs...civil society actors work for a better future and share the common goals of justice, equality, and human dignity. (UNCHR 2017d)

Here, I explore how the human rights defender paradigm interacts with civil society. In the interviews, the women participants expressed varying views on the importance of

civil society to their work and identities as HRDs. Karina, an advocate working for political and migrant rights in Kyrgyzstan, addresses these concerns. She posits,

In Kyrgyzstan we can find in NGO many women leaders. And why this happens, I'm not sure. Sometimes people are told that NGO is not interesting sector for men, because it didn't provide any welfare...and men usually need to have more money for family. They need to have some social position in this society...in a historical sense, independence. So this sphere was mostly occupied by woman. (Karina, Kyrgyzstan)

Karina's connection to the "NGO sector" is an important part of her work as a HRD. Working for an NGO and being an active member of civil society conform with traditional understandings of being a human rights defender. However, in her interview Karina continually refers to the organisation she works for, and as such she modifies the narrative of HRDs as figures who act "alone". Karina underlines that her activities are integrally connected to her work *with* others. In addition, her statements reveal an explicit awareness of civil society as a feminised space. Karina posits that men do not occupy the NGO civil society sphere in Kyrgyzstan because it does not provide financial security. This implies that there is a gendered division of labour to this aspect of HRD work. Karina observes that the NGO sector consists of "many women leaders" because the sector is "not interesting for men" as it does not provide "money", "independence" or "social position" that men "usually need". As such, she suggests a type of structurally located vulnerability that is related to a person's low socio-economic status. Karina's statements explore the gendered dimension of financial instability of HRD work and its financial precariousness, and the lack of "welfare" in this sphere, which discourage men from entering. This highlights another layer of material difficulty and gender-based disadvantage that women must overcome in pursuing their commitment to undertake the HRD framework.

Veronika from Russia also addresses these themes. She says,

[There] is a difference between official government and NGO people - most NGO people and leaders are women, and the higher-level local authorities or governmental spokesman are men. And maybe in any level you can see more women, but we mostly negotiate with men. (Veronika, Russia)

Karina and Veronika make important argumentative claims concerning the characteristics of civil society as opposed to formal public spaces where the women-led

NGO, civil society sector is in opposition to the men-led state “authorities”. Karina and Veronika perceive themselves in terms of their membership to a sphere of employment dominated by women. This shapes their understanding of their own activities as HRDs and the larger community in which they identify.

Karina continues,

And I will be honest, because when you work out of this sector in society, there is opinion: NGO is always opposition for government. And it is not very good to be NGO-like activist [sic], because after this you haven't any access to any work - to be a government official, to have any government position (Karina, Kyrgyzstan).

Significantly, Karina makes a claim regarding NGO work as “always opposition” to the work of the state. To be employed by an NGO results in limited future career choices in the public/state sector. This is consistent with ideas of HRDs’ activities promulgated in the HRD framework wherein HRDs work in opposition to states. Karina’s statements also contain argumentative claims regarding the gendered precariousness of human rights work.

Nawal, an on-line human rights activist and blogger, expresses her understanding of being a member of civil society in Pakistan and how she is perceived by others. She says,

I am thinking about the people around me in my community. And having said that I mean Pakistan. And they think I am in a more privileged position - they mostly think that I'm an NGO woman getting lots of funding. And I'm just saying all that stuff for the sake of money. And that's the kind of perception we have back in the country. And that's the narrative that the state has fed into the minds of people. (Nawal, Pakistan)

Using first person, Nawal makes an affirmative claim in terms of her own experiences, “I’m an NGO woman”. She reveals the consequences of being named this way, saying that she is perceived by others as “privileged” and separate from the rest of her community. This experience resonates with Nawal’s understanding of the state as in opposition to her activities. They are trying to discredit her, “feeding” a false narrative “into the minds of people”. She also associates “community” with Pakistan, and distinguishes herself as an “NGO woman”. Unlike Sandy in the previous section, Nawal

does not claim her citizenship in her self-perception as a HRD. She rather distances herself from this idea. In her work for an NGO, therefore, she constructs herself as an international actor who transcends her particular context.

Nawal also reveals how the economics of doing the work of a human rights defender contradicts the David vs. Goliath narrative, wherein David is motivated by morality and not by money. The commercialised aspect of the HRD identity as paid work also intersects with the foreign aspect, as many local human rights NGOs rely on financial assistance from largely international/western funding bodies in order to operate.

Nawal continues to expand on what her identity as an NGO woman means for her in her work,

I was like literally exposed on internet, on media – they said that the NGO woman like me are actually polluting young minds in Pakistan [sic]. And the state has to be careful about these kinds of ‘elements’ in our society. And I felt so threatened...and I am not just threatened by the security agencies but I am also by the Taliban who are non-state actors. And I was very upset by that and that was the first time that I felt threatened.

(Nawal, Pakistan)

Here, Nawal uses first person to directly convey how she feels “threatened” in her work, both by the state and the Taliban, non-state actors who hold state-like power. In her assertion of this risk she faces as a HRD, she resists the idea of a narrow type of “vulnerability” ascribed to women in the human rights defender framework. She does not present herself as a WHRD, but rather as an “NGO woman”. Her affiliation with an NGO simultaneously signals her claims to contest state power and to be put “at-risk” through this contestation, *and* resist associations of vulnerability ascribed to women in the HRD framework. This resistance reveals how, by being a member of a NGO, Nawal attempts to disassociate from connotations of vulnerability. The danger or threat she faces is not related to her gender per se, but to her work in a “NGO”.

Sophia, a human rights lawyer in Malaysia, also addresses these themes. She says,

I have a very strong support system and the NGO world is very well connected. And also I am in an urban area where we are very close by other NGOs and we offer a lot of support. So on one hand no [I am not vulnerable], because I have a very strong support structure compared to a lot of other people in my situation around the world. But on the other

hand, I also say...yes I am also vulnerable, because nobody will help us if the threat is perpetrated by a State institution (Sophia, Malaysia).

Here, Sophia makes several claims. First, as Karina does, she modifies the traditional account of the individual defender by locating herself as a member of the collective “NGO” community. Like Nawal, Sophia does not identify or present herself as a vulnerable female human rights defender. Rather, she is vulnerable because she is targeted as a member of a collective. In making this clarification, she does not claim to stand as the “lone hero at risk” as a woman. She distances herself from vulnerability while accepting the risk as being shared: “yes I am vulnerable, because nobody will help us”. According to Sophia, this is what is necessary to be defender in a local community of HRDs and counter an authoritarian state. This idea of cooperation and support is central to her activities, and departs from dominant HRD discourses. For Sophia, this cooperation works to diffuse associations of vulnerability. As such, like Nawal, she suggests a type of vulnerability that is not uniquely “physical”, but rather structurally located and directly related to moments of resistance. The responses of Nawal and Sophia resonate with a re-thinking of vulnerability as a potential discursive space for agency.

I argue that the HRD framework works in gendered ways to formalise civil society space as integral to the defence of human rights. In the HRD world, civil society becomes a robust playing field for individual agents of change to combat the tyrant state authority. The discursive innovations I have focused on in this section regarding the intermediary sphere of civil society illuminate moments that reinterpret this dominant discourse on human rights defenders. The WHRDs conveyed that the terms of women’s *access* to civil society space, while gendered, is not uniformly exclusionary. As such, they affirm civil society as the public space more open to women, *because* it is less valued and less secure. They illuminate the importance of collaboration and cooperation with NGO groups in their activities as human rights defenders, and to counter this underlying precarity. In so doing, they reinterpret traditional accounts of HRDs as lone individuals and disperse associations of vulnerability.

In the next section, *Interactions with the family/community*, I explore how the women I spoke with must continually resist being perceived exclusively as private subjects in their forays into the public world of HRDs.

6.4 Interactions with the community/family

According to Okin, “we cannot hope to understand the ‘public’ spaces – the state of the world of work or the market – without taking into account of their genderedness...that they presuppose female responsibility for the domestic sphere” (Okin 1998, 129-130). I have shown how the public subject position championed by the human rights defender paradigm is gendered in ways that prioritise the masculine and residualise associations with the feminine. In HRD discourses, “community” and “family” are constructed in essentialist terms through an understanding of women ostensibly as victims of the “barbaric” culture of “others”. A recurrent theme in the interviews was how the women must navigate community and familial expectations in attempting to assert their defender subjectivity. It is discursively impossible for women to enter the public sphere and leave behind connotations of the “private” and their role therein. In this section I look specifically at how the women encounter their public selves in private spaces, continually negotiating their identities as HRDs while resisting being coded as private actors who belong in the home.

Navigating the community

The majority of participants viewed the private sphere as safer than the public and believed that women face gender-specific consequences when they enter public life. This includes encountering social stigma in terms of their personal status. Here I highlight how when attempting to occupy the HRD identity, women also must do the invisible work of challenging the gendered construction of meanings in their communities. In many cases, it seems the women embrace the human rights defender identity partly to break free from the gendered limitations of the private domain. In the passage below, Hannah expresses the reactions she receives from the community in Kenya as a woman and as a human rights defender. She says,

In defence work...there is a lot of stigmatisation...when you go out there, you know, they think you are doing what you are doing because you don't have anything else to do. The first thing they ask you is if you are married...And if they think you are not married they will say 'no wonder'. So really the society actually looks at you from the perspective that yes you are a woman, so that's not your job actually. (Hannah, Kenya)

By using the second person, Hannah distances herself from the female HRD she describes. The HRD must “go out there” and engage with the public sphere in a meaningful way. In so doing, however, she always carries with her expectations of the private domain. Hannah’s response reveals a discursive struggle to be seen, to be recognised as a HRD. She highlights the social consequences involved in claiming the identity of a HRD and being judged as “not married” and not having “anything else to do” – that is, anything properly female to do. Hannah presents her community as refusing to see past her gender identity and recognise her for what she does: “That is not your job actually”. As a woman, she understands that, according to her community, her purpose, her responsibilities and activities should be elsewhere. Hannah continues,

I come from a community that is very patriarchal...They don't allow a woman in decision making processes 100 percent. 100 percent they don't. In fact they say 'the voice of the woman is in the man'...So that means that a woman in my society is not permitted to be heard, let alone to be seen. Because your place is in the kitchen...So the fact that you are the one at the front line, and that you are the one who is being seen and men have got to listen to you, of course, that is a paradigm shift for my community.
(Hannah, Kenya)

As she refers to her own relationship with the community, Hannah switches to second person to distance herself from the confrontation with the defender subject she describes. The men “have got to listen” to a woman, even though she is traditionally “100 percent” denied in those spaces. She reveals a deep-rooted sexism women encounter when they choose to work outside “the kitchen”. According to Hannah, she is “being seen”, because she is “the one at the front line”. Hannah understands herself as a woman who has through her own initiative and capacities gained access to an area where women have not been before her. She underlines the extra effort she must make to be visible in society and challenge gendered perceptions of women’s roles. She refers to the resulting “paradigm shift” involved in her community experiences hearing a woman speak in a leadership position. Being recognised in a space where she does not belong, speaking, and being visible is how Hannah carries out her activities as a human rights defender. Her claims reveal the type of empowered female subject position I argue is privileged in HRD discourses: able to overcome restrictive community expectations to occupy the HRD identity and enter the public sphere.

When asked whether or not she feels that others perceive her as vulnerable, Talia, a women's rights advocate from Sudan, responds as follows,

I think...[people perceive me as vulnerable] especially the community, the family - and you feel it when you enter this field. And you hear the comments from the family and the neighbours. 'But you are a woman, what will happen to you if you are exposed to this?'...I am trying not...to make it the centre of my thinking, or otherwise it can really affect you.
(Talia, Sudan)

Talia associates the activities of a female human rights defender with perceptions of vulnerability. She expresses frustration between how she views herself as a woman in her work versus how others perceive her. Talia changes tense strategically to avoid identifying with the vulnerability she describes. In so doing she resists the erasure that this association implies. She attempts to rectify perceptions from society with her own "thinking" regarding what she does and how she tries to avoid internalising the comments from others. She continues,

I think women human rights defenders in my country are facing more than they are saying...like [they are] blaming women for anything that happens to them. That it is because they are active, they are doing this work when they should just stay at home and raise the children and [then] they will not face any issues...

For [my colleague] after she was raped, her family was very supportive of her...but then the burden of proof in our court is on the victim. So she has to prove that she was raped...And that's why I think many of the women human rights defender have now started to stop [their activities]. (Talia, Sudan)

Talia's use of the third person here distances herself from the women human rights defenders she describes in her statements above. Women in Sudan, according to Talia, are "facing more than they are saying". They are not able to talk about "anything that happens to them" because it is their choice to be in public spaces in the first place, for "doing this work when they should just stay at home". Talia suggests that the women she describes are restricted in their ability to express themselves in part because they feel they deserve this treatment as a result of their choice to be "active"; these are the consequences for entering the public sphere as women.

At this point in the interview, Talia discusses a colleague, a women human rights defender in Sudan who has experienced sexual violence. She is the only participant in the research who discussed the risk of sexual violence for WHRDs. As such, Talia alludes to a physical, prima facie type of vulnerability that women human rights defenders face and is consistent with human rights defender narratives. However, this type of vulnerability is heightened by sexism and a legal process that place the “burden of proof...on the victim”. She suggests the compounding social effects of violence on women’s lives, and the struggle for legal redress that women face when coming forward and reporting assault. Importantly, Talia observes that her colleague’s “family was very supportive of her” after her ordeal. This suggests a positive and supportive association with being a WHRD and familial life. In the following section I consider specifically how the participants perceived and articulated such ideas of “the family” in their responses.

Navigating the family

The following section looks to the “private sphere” of the family to consider how the participants negotiate familial expectations in their activities as HRDs. Yasmeen posits,

In our culture some of the women...agree to the situation that because of the culture, that she’s married, that she agrees to be quiet. And she needs to accept that her rights are not given to her by her husband, by her family – and I decided to try and educate some of the women, [saying] that ‘you have to talk too, to ask for human rights. Because if you continue being quiet, you will never get your rights.’ And forget about the workplace, it is also about the internal [relations]...in their houses and their families. So I started concentrating on this about woman [sic].

(Yasmeen, Bahrain)

Here, Yasmeen explains her view of her human rights defender work with women in Bahrain. She uses human rights to break down the barrier between “the workplace” (the public) and “the internal” (the domestic/private), and claims that the language of human rights is a tool to reach women in “their houses”. Yasmeen uses the first person to underline her direct involvement in the activities of the subject she describes. In contrast, she uses the second/third person to distance herself from the woman whose rights are violated; the woman who she is trying to “educate”. This distinction

resonates in some ways with the heroic HRD narrative. However, unlike the conventional HRD, Yasmeen's objective is not to *speak for* but to *empower* the women to take action themselves, "to talk *too*", to follow her example and speak out. Rights "are not given" by a woman's family, nor are they given by Yasmeen herself as an HRD. And "...if you continue being quiet, you will never get your rights." Here Yasmeen modifies traditional HRD discourses, troubling the public-private binary by advocating for human rights to be part of women's private, familial lives. "Forget about the workforce, it is also about the internal". According to Yasmeen rights enable a woman to have a voice, a presence in the home, as well as in public spaces. Yasmeen's statements recognise the potentially oppressive operation of the public-private divide in women's lives, as she applies the language of rights to life in the private sphere of society. This reveals an underlying feminist ethos to her work as an HRD. It also alludes to an understanding of vulnerability as structurally located, as women have their rights violated as a result of their social positioning within the home. She continues with this narrative vis-à-vis her own family,

I am a strong woman...I am keeping good relations with all my family. But I have to be strong because if you aren't strong nobody will be calling for your rights. (Yasmeen, Bahrain)

There are several noteworthy points to highlight here. Yasmeen expands on her previous statements, outlining the necessity "to be strong" as a means to demand or speak for her own rights. Like Hannah in the previous section, she reinforces the empowered female subject as central to her claim to be a HRD. Additionally, by switching tenses she reveals an important discursive tension. Using first person: "I have to be strong" and changing to second person: "if *you* aren't strong nobody will be calling for your rights". Here, she aligns herself as subject (the strong, embodied human rights defender) while distancing herself from the target of her activism (a woman in Bahrain). However, integral to this strength as a woman and as a defender is the ability to "keep good relations" with family. Like Talia in the previous section, this statement draws attention to Yasmeen's *positive* connection between her claim to the HRD identity and her family. This departs from prominent HRD discourses that understand familial life as oppressive for women.

Hope also discusses her family as part of her identity as human rights defender. She says,

For you to gain the spaces, both at work and even at home. To be recognised that what you are doing, the work you are doing, needs to be supported by your family. (Hope, Zimbabwe)

Here, Hope uses the second person, “you”, which creates a distance between her and the female subject she describes. Both Hope and Yasmeen expose how in occupying the public subject of the HRD they do not fully break from expectations and benefits of the private sphere. They refer to their family in their responses. For Yasmeen, notions of family are part of how she identifies herself as a strong woman and as an HRD. For Hope, “to be recognised”, to be seen as a HRD requires familial support. This affects the ability to “gain the spaces”, not just in public but “even at home”. These comments coincide with Yasmeen and reveal that the domestic sphere is not uniformly oppressive or negative to the experiences of women in the defender space.

Karina also addresses these themes. She recounts,

But sometimes the woman have problems...if you participate in some actions, any meetings or demonstrations, all participants could be arrested. And I think women human rights defenders are more touchable - by their family, by their children...Yes, I think that family can be the most sensitive thing for woman, when connected to children. (Karina, Kyrgyzstan)

Here Karina uses the second person to distance herself from the female HRD subject she describes. She does not present herself as the woman human rights defender who is affected “by their family, by their children”. By resisting this subject position she distances herself from the discursive risks and erasures implicit in this association. For Karina, the “problems” women face includes “their family”, “the most sensitive thing for woman”. However, she, like Hope and Yasmeen, does not present the “family” as uniformly oppressive. Karina recognises that family connection can be a “weak” link, through which women defenders can be intimidated or required to take extra precautions in their work because of their families’ dependency. In so doing, Karina reveals a pragmatic awareness of how the traditional structure of family life leads to certain risks that women defenders encounter in the public sphere. Women know these risks are the reality, and yet they act as defenders anyway. These difficulties add an additional “burden” to being a WHRD, and illuminate the underlying resilience of those women who manage and carry *both* the “burden” of being a WHRD *and* the “burden” of their private, family lives. Karina’s observation of these obstacles reveals an

exploitative dynamic of a rigid public-private dichotomy. Karina's comments, like Yasmeen's, also suggest a structurally located type of vulnerability, related to a woman's relationship to the oppressive effects of a strict public-private division.

To conclude this section, I draw attention to the following statements from Nawal.

[For] those [women] who are not aware of their rights and who know that they will get married, they will have kids, they have to stay home and their husbands will feed the whole family...they are okay with that, they think it is a blessing.

Here, Nawal presents the most negative response concerning familial and private life out of the interviewees. However, she continues,

My friends who studied with me in law, and they got married and they gave birth to kids and they are just doing nothing - and it just hurts me. And I think I am kind of different within my smaller community. Now I realise that I really am a defender. (Nawal, Pakistan)

Nawal directly identifies with the human rights defender she describes. In so doing, she understands herself as distinct and even superior to other women in Pakistan. Women who stay home and have children are "doing nothing", and "they think it is a blessing". Nawal uses strong language; these women, especially her former colleagues "hurt" her. She rejects their activities while affirming her own. "Doing something" and facing risk is what makes someone a HRD. Her words also reveal the sense of urgency about the work that HRDs are doing. Nawal rejects associations with the private sphere, and it is this very rejection that defines her identity as a human rights defender. Nawal does not, as Yasmeen does, associate human rights-language positively with women's lives in the home. She does not express a need to enable them to change their thinking or to otherwise engage with these women. However, Nawal makes a distinction between people who are educated, "who are aware of their rights", and those who are not. She feels that those who are educated and aware *should know better* and *do more*. Her statements imply a strong sense of "duty" and defending human rights. According to Nawal, people with privilege and education *should do more* to transcend the public-private divide. She as such reveals an understanding of the oppressive nature of the public-private divide on women's lives. Nawal departs from traditional human rights defender discourses as she rejects the apolitical family unit as sitting beyond the purview of a human rights defender's activities.

In this section I discussed the ways women navigate the expectations of their communities and families in their activities as human rights defenders. Women cannot occupy the public identity of a HRD without also being coded as private actors. However, as demonstrated by participants, this is not necessarily oppressive for women – and there are positive dimensions to encountering one’s private self in the public space for HRDs. Rather, what is oppressive or negative for women is the rigid public-private dichotomy itself. In Chapter 7 I return to these themes in particular as I focus on women as “relational” and “socially-embedded” subjects, and how this affects their ability to lay claim to the identity of a human rights defender.

6.5 Conclusion

By privileging civil and political rights and the role of the state, human rights defender discourse prioritises and bolsters the primacy of the “public” sphere and marginalises and eschews the “private”. The promulgation of a rigid public-private dichotomy has consequences for the possibilities available to women as they attempt to occupy the HRD framework as subjects. In this chapter, I drew attention to the challenges women perceive and encounter in doing the work of HRDs, unable to fully “shake off” assumptions about of their proper roles in private life as they enter the public sphere. I focused in particular on the three interrelated dimensions of the public-private divide that were revealed in the responses of the women defenders interviewed regarding: the state, civil society, and the community/family.

Established thinking about “the state” as a monolithic entity that must be monitored sets the discursive stage for the activities of the human rights defender. From its inception, contestations concerning defining “human rights defenders” and the concept of state sovereignty have permeated the HRD framework. In many ways, by identifying and elevating the status of “HRDs”, proponents of the HRD framework are able to challenge the supposed sovereignty of states that are deemed hostile to human rights. A problem arises when such allocations are distributed unequally across different states, and certain (predominately western) states are positioned as impervious to the type of critiques levelled by the HRD framework. In this chapter, I explored how women defenders interact with these prevailing ideas. Several women echoed the received understanding of their work as necessary to counter rights offending states, and, like Myra from India, rooted the legitimacy of their work in international human rights

norms. Others perceived the difficulty of confronting the state as women – and the ingrained sexism of a state protagonist who cannot even “see” a woman as a human rights defender. Other participants, however, departed from thinking of the state uniquely as the Goliath of the public sphere. For example, Sandy identified her political identity as a Ugandan citizen as essential to her claim to the HRD space. Veronika from Russia spoke of “human rights” as a resource in contesting different modalities of the abuse of power and, in doing so, challenged the construction of the bad state in HRD discourses. In these moments, the women both exposed the operations of David vs. Goliath narrative within HRD discourses and contested its logic.

The responses shed light on the ways the David hero prised in HRD discourses influences the narrow space available to women in the framework. The majority of participants referred to an understanding of the conventional, public HRD, but did not claim this identity outright for themselves. Some women attempted to claim the “David” hero and therefore simultaneously distanced themselves from associations of the private. Through a feminist lens, I read those discursive manoeuvres as reflecting a uniquely liberal, female subject: empowered and therefore seemingly able to repudiate “restrictions” of the private sphere, including family life and children. This denial of the private is initially revealed through the strategic rejection of associations of the “women” in “women human rights defender”. This ambiguity reflects a resistance to be coded as the private actor implicit in definitions of “woman” and its ascribed narrow associations of vulnerability and weakness. I expand upon these points in more detail in the following chapter. However, while somewhat distancing *their own identities* from connotations of the private, several of the women, alluded to an understanding of the oppressive nature of the public-private divide *on all women*. Yasmeen from Bahrain in particular called for an application of the language of rights to women’s lives in the home. This departs from traditional HRD discourses, and reveals a strong feminist ethos that echoes the objectives of the women’s human rights movement.

This chapter also surfaced moments when the women defenders interviewed distance themselves from perceptions of prima facie vulnerability ascribed to them as women in the HRD framework. One way they “do” this is by emphasising the importance of their membership to civil society and the NGO sector. The participants invoked their membership in a collective as a means to diffuse associations of vulnerability, and to avoid discursively the burden of standing as a “lone actor”. I argue that proponents of the HRD identity advocate for the importance of civil society *because* it is both distinct from the “state” as well as from the “domestic”/private sphere. In so doing, the HRD

paradigm produces the realm of civil society as formal and legitimate in contrast to the rights-offending state. HRD discourses advocate for the importance of resources and attention to this space, and the need to challenge the “shrinking space for civil society” (Amnesty International 2017c; FIDH 2017). Political theorists have revealed how attempts to construct civil society as wholly separate from the state can be interpreted ideologically as stabilising neoliberalism; that is, minimising the power of the state and maintaining the economy as beyond the purview of state responsibility (Fraser 1990; Jagger 2005). As discussed in Chapter 2, the HRD paradigm does not typically address economic power in the form of resource ownership and allocation. Rather, the framework maintains a principal focus on individuals who fit a particular mode of activism that is aligned with liberal accounts of human rights: privileging violations committed in the public sphere while economic and social welfare remain invisible in HRD discourses. In their responses, the women interviewed exposed the precariousness of human rights defender work and an understanding of civil society as the less valued and less secure realm of public life. However, mainstream HRD discourses do not openly address this reality of economic precariousness, as the idea of monetary compensation is at odds with the brave and righteous defender who selflessly fights for the rights of others. In relation to the central theme of this research, this reveals a particular way that women in the HRD framework *say they experience* a form of vulnerability, but which is *not named as such* in dominant HRD discourses.

In their attempts to access the HRD space, women challenge and redefine what it means to be a human rights defender. For example, as mentioned previously several of the women interviewed recognise working with others and being a part of larger group as integral to their activities as defenders. This pushes against ideas of HRDs heroism as singularly tied to their actions as individuals. Further, in stark contrast to dominant HRD discourses, the women human rights defenders I spoke with did not understand their communities and families as uniquely oppressive and harmful to them as defenders or as women. On the contrary, they allude to the importance of these associations in their lives, and claim family in particular is a source of support and strength. As such the women interviewed demonstrated a pragmatic awareness of the difficulty of “being” women, “being” actors with familial responsibilities and “being” human rights defenders.

The responses also exposed how women both embrace and reinterpret notions of ascribed female vulnerability from different locations as well as in terms of different connotations of the public-private dichotomy. The majority of the women referred to

structurally located and discrimination-related types of vulnerability, and easily referred to women's residualised social status and prevailing repressive gender norms. For example, while Karina and Veronika discussed the precariousness and instability of civil society work and the NGO sector, Hope and Hannah revealed the entrenched sexism towards women's presence outside the home. In addition, Karina and Nawal spoke of the burden of caring for dependents, and how women "choose" (or, according to Nawal, have a *duty to* "choose") to juggle these responsibilities in addition to their work as human rights defenders. In addition, Talia from Sudan was the only interviewee to refer to sexual violence as a risk faced by women human rights defenders. Moreover, Talia's account of her colleague being raped does not coincide with a perception of women's bodies as characteristically susceptible to violence. Rather, Talia alludes to the *structural factors* that create a woman's vulnerability in certain circumstances – particularly the difficulty of seeking legal redress for survivors of sexual assault. According to Talia, institutionalised legal formalities adversely compounded her colleague's situation, not the women defender's family or her "private" life. As such, while HRD discourses render associations of the "private", such as family and community, as a source of hardship and negativity, this is not the case according to WHRDs. A closer look at women's voices and insights reveal the exploitative nature of these constructs and the need for more contextual understandings of women's lived experiences.

Despite the discursive barriers, women find ways to not only stand in HRD discourses, but enhance and expand definitions of *who is* a HRD. They push against narrow articulations of the HRD subject as uniquely "public" and "individual" as well as challenging narrow perceptions of *prima facie* vulnerability associated with "being" women and human rights defenders. In the next chapter, I continue this discussion as I illuminate the typology of gendered subjectivities present in women's attempts to sit as subjects in the HRD paradigm.

Chapter 7

7.1 Gendered subjectivities in the human rights defender paradigm

This chapter explores the gendered subjectivities that are available to women who self-identify as operating within the human rights defender framework. Doing so reveals the complex ways of being a “human rights defender” and/or a “women human rights defender”. The analysis offered here, as in the previous chapter, is based on the transcripts of the individual interviews collected during my empirical research. I continue to deploy perspectivisation and argumentation as analytical tools to explore women’s struggles to be heard, to be seen, and ultimately to “be” subjects in the defender paradigm.

The chapter is divided into three main thematic sections which also express a typology of *the performing subject*, *the universal human subject* and *the socially-embedded subject*. As set out in Chapter 5, this division is informed by the three-tiered notion of identity set out by Bhikhu Parekh in *A New Politics of Identity* (2008). Parekh posits that a person’s identity as comprising three interrelated dimensions: personal identity, reflected in an individual’s sense of self or centre of consciousness; social identity, reflected in an individual’s understanding of his/her relationship to a particular social, cultural context; and human identity, reflected in an individual’s understanding of his/her relationship to the universal/abstract concept of “human being” (Parekh 2008). I applied Parekh’s understanding of identity to help formulate my interview questions posed to the research participants. Here, I build upon these interconnected levels of identity to map and critically discuss the different subject positions that are available or conversely “off limits” to women who self-identify as defenders.

In the first section, *the performing subject*, I focus on the moments where women explicitly refer to a dimension of their gender identity that they view as part of their performance as HRDs. Relying on the analytical tool of perspectivisation in particular, I pay attention to how the women use of the first person: the “I” and the “me”, and reflect on how asserting oneself as a human rights defender oftentimes entails embracing a masculine subject position. While all the subjectivities discussed in this chapter involve a “performance” of some form, in this section I highlight particular self-reflective moments of gender identification on the part of interviewees. In doing so, I draw on the

feminist concepts of mimicry (Irigaray) and female masculinity (Halberstam) to critically discuss these consciously-performed subject positions.

The second section of this chapter presents *the universal human subject*, and discusses instances where women invoke the abstract ideal of the universal human to make sense of their identity as human rights defenders. Rooted in a liberal political tradition, I argue that these examples of WHRDs reaching towards the universal signify a positioning that is more closely aligned with mainstream human rights defender discourse. The accounts of the women in this vein suggest that claiming a human subject position is a way to reject (female) gender and an attempt to be “genderless”.

The third section considers instances of *the socially-embedded subject*, and focuses on the way women navigate their immediate social, cultural and religious surroundings while also identifying as part of the imagined transnational space of human rights defenders. These engagements reveal gaps between what participants believe themselves *to be as* members of an international community of HRDs and the discursive spaces *actually open to them as* culturally marked, locally situated and embodied actors who are coded “woman”. The language used reveals the complicated task of being a woman, working in a particular, local context, as well as being an HRD. Picking up on discussions of *the performing subject* and *the universal human subject*, this section also considers how the masculine ideal operates to shape and limit the types of particular subject positions available to women seeking a stable place in the paradigm.

In sum, this chapter investigates particular moments articulated by participants which foreground the ways women struggle to hold their place as HRDs while also simultaneously refusing to be labelled or treated as a vulnerable female subject.

7.2 The performing subject

According to Parekh, an individual’s personal identity is based on a “critical self-evaluation” which guides “one’s choices and one’s actions and makes them coherent and consistent” (Parekh 2008, 12, 14). In this section, I unpack the participant responses that revealed moments of “critical self-evaluation” regarding how they stand as subjects in the HRD space as women. Some of these moments suggest a self-reflective, strategic performance of gender through a distancing or embracing of the

feminine. I posit that attempts to identify as a human rights defender can be understood as a type of performance, especially when interacting with the international human rights community. Specifically I focus on the moments of performance that further reveal the type of gendered subject that is most welcome in the HRD framework. In this analysis participants' accounts are a window on the operation of norms of masculinity and femininity in the on-going construction of meaning, which is a continuous struggle for WHRDs.

Dominant ideas of the HRD paradigm include the imperative of promoting the good work of HRDs, and an understanding HRDs as "righteous" and "universal" agents of resistance in battle with a monolithic state. Throughout this thesis, I draw from feminist scholarship to posit that this righteous, universal subject position is coded masculine. Here, I draw attention to the discursive manoeuvres of participants as they attempt to occupy this hyper masculine space as women.

Sophia from Malaysia explains,

In terms of being a woman, I think I do hold that very close to me in a lot of things that I do. Except maybe being a lawyer, I do realise that being a lawyer, a lot of respect that I demand - I consciously am and only just really realising it - is to be respected as a man...

I do find myself far more inclined to not be perceived as female, but rather to be perceived as a person - if that makes any sense? Because femininity, I don't find it very welcome. (Sophia, Malaysia)

Here Sophia uses the first person, "I think I do..." signalling that she fully occupies the subject position she describes. She rejects "femininity" in her activities as a lawyer, and therefore as a HRD. For Sophia, being a human rights lawyer signals the types of "person" she needs to be – to be successful in her defender work. This is an argumentative claim that masculinity is respected and femininity is not "welcome". In Sophia's case, "being respected as a man" is a way to counteract or deflect the weak connotations associated with being a woman. This resonates strongly with Jack Halberstam's theorisation of female masculinity, the desired ownership and occupation by a woman of masculine subject positions (Halberstam 1998). Sophia, in her performance as a HRD, attempts to be "perceived as a person" in her work. The attempt to be "perceived as a person" is an attempt to be "gender-neutral", or overcome the restrictions of her gender identity as woman. Through this association, Sophia resists

the erasure caused by her female self and attempts to embody perceived traits of masculinity. She continues,

I think that if I were a boy I think I would get way more respect, and they would take me a lot more seriously - and I would probably be able to advance my career much...faster to be very honest. I have thought about that a lot...Because you would be bogged down with way less social, cultural rubbish and expectations. (Sophia, Malaysia)

Initially, Sophia directly claims her subject position through the use of “I”. However, towards the end of the statements above she reveals a degree of ambivalence by switching to the second person, saying “you would be bogged down with way less social, cultural rubbish and expectations”. In this way, she frames the experience of being a woman as negative, and in switching tenses, distances herself from the subordinate woman subject she describes. As such, she alludes to a type of structurally located vulnerability and the additional “rubbish” women and girls face due to their position within social and cultural contexts. Sophia also reflects on her own positioning, and on how being a boy would be more advantageous in her work. Sophia’s assertions are powerful: “if I were a boy I think I would get way more respect”. She struggles to be “taken seriously” as a woman and as a lawyer. She expresses frustration with how her gender identity impedes her from “advancing” in her career as quickly as she would like. While Sophia was one of the interviewees who self-identified as both a “women human rights defender” and a “human rights defender”, she expressed during her interview that being named just as a human rights defender was more applicable and useful to her. As Sophia attempts to validate her own self-perception and identity within the HRD discourse, she exposes how gender operates within the human rights defender framework, and what women must “do” to assert themselves as HRDs and command respect on par with men defenders.

Hannah from Kenya also expresses these themes,

I really don't like referring to myself as a 'women human rights defender'. Because as far as I am concerned, the issues are interrelated. You can't have a women's agenda that is not interrogated by the men. And for me I think that is a key challenge. So I love identifying myself as a human rights defender...And I find it, affirming the fact that...I can compete with a man. (Hannah, Kenya)

Hannah reveals why she is reluctant to claim the label of a “women human rights defender”. Rather, she uses strong language in her naming herself as a general human rights defender and she “loves identifying” in this manner. It is a way for her to circumvent the label of “woman”, something “affirming” and a way for her to demonstrate that she “can compete with a man”. Like Sophia, Hannah is asserting herself as woman in a masculine subject position. For her it is through the identity of an ostensibly gender-neutral human rights defender that she can transcend her female identity. She continues,

Well, I think in general being a woman, I just think it is just the organs. I think so. And maybe the body shape...Or maybe also you have the womb. You carry the baby for nine months. The man does not do that. But in terms of everything else we are the same...But I do not think you should use the physical attributes to describe a woman...I mean the fact that I have my breasts for example, does not mean I cannot reason. My physical attributes have nothing to do with my contributions in society. (Hannah, Kenya)

Hannah critiques understandings of “a woman” in terms of her “physical attributes”. She minimises the effects of the differences between men and women in terms of their bodies and their role in reproduction. Her descriptions are in line with liberal or equality feminist thinking, which understand women and men to be “the same” regardless of biological differences. After defining “a woman” in the third person generally in terms of “organs”, she maintains her distance from the subject “woman” by using the second person, saying “you have the womb” “you carry the baby”. However, she returns to a direct association when she says “...the fact that *I* have my breasts for example does not mean *I* cannot reason”. This change underscores the strength of her rebuttal to “woman”. She wants to minimise the relevance of women’s embodiment and distances herself from being reduced to a woman’s body parts. Hannah invokes a classic, Cartesian philosophy regarding the dualistic split between the mind and the body, where the mind is superior. In addition, her use of the phrase “contributions in society” exposes the type of subject she seeks to be: a human rights defender who makes society a better place for all.

In contrast, some women participants embrace aspects of femininity in their claims to be human rights defenders. For example, Veronika says,

I never think about my gender identity. Sometimes people ask me, what about your sex identity?...Maybe sometimes I use it to be charming for example - to attract attention from my opponent [government official] or my volunteers. Sometimes maybe I use sexuality. Not very intentionally - but I feel I use it. (Veronika, Russia)

Here Veronika uses the first person, “I feel I use it...” to directly claim the subject she describes. Initially in the interview Veronika rejects her gender identity in her activities as a human rights defender. She starts her response above along a similar vein, saying “I never think about my gender identity”. However, she continues to say how she “uses” aspects of her identity as woman to “attract attention”. She expresses hesitation and ambivalence in claiming these activities as evident through her use of the terms “sometimes” and “maybe”. She says, “maybe sometimes I use it to be charming for example...” This reveals a performance of those attributes associated with the feminine. Although Veronika does deny that these actions are “intentional”, she expresses an awareness of her behaviour and its impact on those around her. She continues,

I try to think about my outside look before the big conference – I go to this in confidence, and I try to be [beautiful]. Sometimes. I think I've caught it from one woman. She is a great woman - she was a human rights defender...And when she speaks to this governmental official, her behaviour looks like mistress [sic]. She is very straight, not aggressive...very confident. More confident than life...And I use this to power sometimes. But it is more about sex, and not just about gender. (Veronika, Russia)

Veronika’s statements reveal that at times she intentionally and strategically performs a particular feminine subject position. This is an example of “mimicry”, the conscious performance of conventional female modalities in ways that subvert or disrupt masculine norms and expectations (Iriagary 1985a).

Veronika reflects on how she considers her “outside look” before an event and the “confidence” she gains from doing so. She observed this behaviour by another woman, a former colleague, and uses strong language to express admiration for this woman: “she is a great woman”. Veronika clearly admires this colleague, who Veronika describes as a “human rights defender”, for her ability to use her sexuality to transform herself into a powerful figure who “looks like mistress” and is very confident and *not* aggressive. This woman uses her “sex” to be firm and unapologetic in a public forum,

and Veronika admires her for this, and expresses how she tries to imitate this behaviour. Veronika performs or “mimics” femininity to gain power over her audience in a sphere dominated by men. She attempts to transcend the limitations of her gender identity as woman while claiming the feminine as a source of power. Veronika reveals how she strategically enters the public subject position required to be a HRD as a woman. She critically reflects on what she chooses to embrace and reject when it comes to her female self. She continues,

If [someone called me a ‘women human rights defender’]...in my country during some event, I would say: ‘hmm I am just a human rights defender’, without any divides. But maybe at international level, I would feel more calm [sic]...I feel that international and European levels accept this terminology in different ways. (Veronika, Russia)

Veronika was one of the interviewees who rejected the “WHRD” label outright. She says she would correct someone if they were to call her that in Russia, and prefers the general human rights defender “without any divides”. According to Veronika, the identity of a “WHRD” takes on different meaning in different spaces. Here Veronika reveals a strategic distancing from the “women” in “women human rights defender” in her particular context in Russia as compared to a more flexible embrace of the term in the broader European and international community for HRDs.

To conclude, this section highlighted the responses of the participants that reveal the ways in which women negotiate and perform their gendered identities as part of processes to occupy the HRD subject position. Sophia and Hannah articulate a performance of the masculine and/or a conscious rejection of the feminine as a means to inhabit the identity and fulfil the role of HRD. Veronika reveals a strategic performance as a uniquely feminine subject to make this same claim. These associations reveal the complex discursive strategies necessary for women to perform and sit as subjects in the framework. I continue with my analysis in the following section, and take a closer look at how women understood the abstract understanding of the *universal human subject* in their claims to be “human rights defenders”.

7.3 The universal human subject

The international human rights project relies on the belief that there is something “morally significant” (Parekh 2008, 27) in humanity’s distinctness from other species in

the natural world. Parekh argues that this abstract understanding is the “most general and the most basic form of self-identification” (Parekh 2008, 26). Several of the women interviewed repeatedly invoked the universal human subject in claiming their own identities as human rights defenders. According to Parekh, claiming a “human identity” involves a unique *moral* dimension and conscious reflection on how to live and behave as a *good* or *ethical* human being (Parekh 2008, 27) (my emphasis). This moral dimension of being human is evident in prevailing narratives and discussions on human rights defenders. HRDs are viewed as doing their work for the betterment of humankind, and, therefore, as people who should be recognised and praised for their efforts. The participants in my project often identified with this account. In so doing they reveal the tensions involved in claiming a righteous and universal subject position while also being coded as “women”. In this section, I discuss the ways the women interviewed appealed to this abstract understanding of the human in their own personal assertions as human rights defenders and attempts to be subjects in the defender space.

Ten out of the 11 women interviewed recognised and referred to human rights as universal and to the entitlement of all human beings throughout the world (Veronika from Russia was the exception). This understanding of universality is pervasive throughout human rights discourse, including the HRD framework. Many women asserted their identity as a human rights defender on the basis of being human. For example, Myra from India posits,

I feel I don't want to say that I am a woman, I am a mother. I don't want to carry my different identities...I am a human being. So I have equal rights to other people in society. (Myra, India)

In this statement Myra uses the first person, “I feel I don’t want to say I am a woman”, and directly claims the subject position she describes. She negotiates her identity as a human rights defender vis-à-vis her identity as woman and the “different identities” that are associated with womanhood. Myra implicitly acknowledges that these ascribed identities are valid and “exist” – and she does not reject them per se. In the following section, I discuss the social roles associated with “woman” in more detail. Here, I want to draw attention to Myra’s particular mention of the human subject. Myra’s need to clarify that she is a “human being” to occupy the HRD identity reveals a recurring tension around women’s attempts to assert themselves as defenders within this space.

To exist discursively and concretely as a legitimate human rights defender subject, women emphasise the “human” aspect of their identity.

Sandy from Uganda also stresses the “human” in her identity as “human rights defender”. She says,

For me...I believe I am human. And there are some rights that I don't need to be given by anyone, and once I'm born I have these rights already...So to me, being human is enough to explain why I am a human rights defender, because some people think they are more human than others – and to me I think, all humans are humans. (Sandy, Uganda)

Sandy is an LGBTI activist living in Uganda. She was the only participant in my project to work directly on human rights issues related to sexual minorities and to identify as outside the heteronormative binary. In the above statement, Sandy uses the first person, “I believe I am human”, to directly align herself with the subject position she describes. “Being human” is what qualifies her to be a human rights defender, as well as her belief that no one is “more human than others”. She therefore makes an argumentative claim that rights are inherent and inalienable; humans are entitled to rights naturally and rights are not “given” by a state or another type of authority. In this way, Sandy strongly aligns with the prevailing norms that permeate international discourse on human rights and humanity.

In her interview Yasmeen also engages with the theme of “being human”. She says,

Being a human, feeling the others, feeling the others' pain, trying to help the others. This is a human rights defender. I believe that a person who wants to help others, who wants to be a voice of the others, this is a human rights defender. (Yasmeen, Bahrain)

In contrast to Sandy, Yasmeen distances herself from the HRD subject she describes through the use of the third person. This suggests some uneasiness in claiming this position directly for herself. Like Sandy, Yasmeen claims HRDs are “morally superior” human subjects. However, Yasmeen expresses two different subjectivities and modes of “being” an HRD. She invokes the defender as a “voice of the others” which is consistent with the dominant understanding of HRDs as *representing* or *standing for* vulnerable groups. However, she also enhances definitions of HRDs as “feeling”, “feeling the others’ pain”. According to Yasmeen, a defender primarily empathises with the plight of other human beings and is “a person who wants to help”. She continues,

In our work there's no 'as a woman' or 'as a male', because if I will work as a human rights defender, whether or not I am a woman, if I care for the others, I will do the job in a right way. I will not have to work as a woman, except if I am talking to women - talking to them about their rights...But as a woman, I don't have to act like a woman I have to act like a human.
(Yasmeen, Bahrain)

Yasmeen, unlike her prior statements, uses the first person, “I have to act like a human”, to assert a strong association with the HRD subject she describes. She also makes an argumentative claim about the work of a HRD as fundamentally *caring*. Like her previous comments, this assertion augments dominant discourses on HRDs. As long as Yasmeen “cares for the others”, she claims she will be doing the work required to be an HRD “in a right way”. This is a significant use of feminine language to describe the work of HRDs and resonates with “care-focused feminism”⁷⁰. This branch of feminist thought suggests that women and men develop different modes of “moral reasoning”: while women emphasis their connection to others, men emphasis individuality, justice and rights. The “ideal moral thinker”, according to this discourse, is more disposed to an *ethics of care* (women) than an *ethics of justice* (men) (Tong 2016, 154). According to Yasmeen, “feeling the pain of others” and “caring” are integral to the universal perspective of a human rights defender and a “human subject”. As such, she reveals how women defenders reinterpret the supposedly “general” human rights defender from a perspective informed by “feminine” values. In doing so Yasmeen echoes a feminist ethos that strongly departs from the conventional perceptions of HRDs.

Nonetheless, Yasmeen, like Veronika in the previous section, also rejected the “women human rights defender” label outright, and preferred the general “human rights defender”. I argue this initial resistance to “women” by the participants is symbolic of a resistance to the wider constructs and generalisations of “women” (especially “women as vulnerable”) within the HRD framework. I continue to expand upon this point in the next section.

Sandy from Uganda reveals additional layers of gendered obstacles, as she identifies as “human” and “woman” but also as “trans”. According to Sandy,

⁷⁰ For more on care-focused feminism, see: Gilligan, C. (1982) *In A Different Voice*. Cambridge, MA: Harvard University Press and Noddings, N. (1984). *Caring: A Feminist Approach to Ethics and Moral Education*. Berkeley, University of California Press.

The gender in me is trans...I am a woman who is trans. I can understand a man, I can understand a trans man – who doesn't pass, who still feels: if I just put on a dress - I can still put it on...

Being a woman to me, really means a lot. Because when it comes to gender identity – like in the African setting, when you say 'transgender' people don't really understand. They are always those [asking] me 'I am to be a woman pretending to be a man?' And I have never pretended to be a man. But when I come to those in society that really understand what I'm saying when I say: I'm transgender or I'm just trans – so being a woman to me is really really really really nice, because before being a trans, I was a woman, and I am a woman. And I am proud to be a woman. (Sandy, Uganda)

Sandy uses the first person, “I was a woman, and I am a woman”, to strongly claim the female gendered subjectivity she discusses. She also expresses the mutability and fluidity of gender identity, and says she is trans/woman/trans man. Sandy is empowered by this fluidity, and this fits *who she is* instead of the binary understanding of gender promulgated by a social and cultural context that denies and questions her “trans” identity. In the present moment, the HRD identity allows her to access those who “really understand” what she is saying when she identifies as “trans” – as gender identity is now on the HRD agenda⁷¹. Further, Sandy views the rigid binary gender norms as contrary to human rights. She continues,

At the end of the day, whether I am gay or lesbian or whoever, I am a human. This thing with 'women's rights are human rights', blah blah, these things are human rights [and] are fundamentally not supposed to need to be given by anyone – not even my president can. Not even Jesus can come back and tell me you are human or not human, yes...So you tell them it is because you need to be as neutral as you can – you just have to say: I am human. Simple. (Sandy, Uganda)

When asked to define herself as either a man or a woman, Sandy responds that she is all these of things. To claim her identity in her particular, cultural context that does not recognise her, she uses the universal, the abstract understanding of the “human” to stabilise her identity. Significantly, Sandy, like Veronika and Yasmeen, was one of the

⁷¹ As discussed in Chapter 3, LGBTI defenders entered discourses on HRDs with the establishment of the Women Human Rights Defenders International Coalition in 2005.

women I spoke with who distanced themselves from the identity of a “women human rights defender”, and argued that this association would limit or restrict the scope of her work and identity. Women human rights defenders, according to Sandy, prioritise the needs of women, which is not so for her human rights work. This distancing also spoke to her resistance to the idea of “women’s human rights”, which are, according to Sandy, naturally included in conceptions of human rights. On this view, the supposedly gender-neutral HRD is not pigeonholed by gender; they are the ultimate righteous “human” defender, and seemingly fighting for the rights of all. It is noteworthy that Sandy invokes the abstract identity of the “human” and not the collective identity of LGBTI activism to assert her claims to rights and to be a HRD. In this way, her overt understanding of her universal humanity serves as a discursive tool to refuse vulnerability associated with specificity. She continues,

People in my country who are really defending, we don't understand these questions –why do you [people in Uganda] have to ask me my religion? Why do you ask me about my culture? I'm just a woman and I am a Ugandan – so, why do you ask me those things? Why do you have to put them in a box, that your culture says this...I have no religion. I respect since I am a human rights defender all cultures are cultures. Those that believe it, it is okay. They say you do not exactly believe in culture – I say yeah. (Sandy, Uganda)⁷²

Sandy’s own denial of a specificity of identity is strategic and perhaps vital to her survival – as a trans, non-gender conforming subject she is not permitted to occupy the cultural and religious identities available in her local environment. Sandy claims the universal aspect of her identity in contrast with the situation in Uganda, where to be a LGBTI person is to be in danger. This suggests a type of vulnerability that is integrally both discrimination-related and structurally located. Even as a “universalist”, Sandy expresses respect for cultural diversity and says “I respect, since I am a human rights defender, all cultures are cultures”. Sandy reveals a reinterpretation of “universality” in context. As such, she breaks with the dominant perceptions of HRD discourses and the view of the universal and the particular as “a fixed and polarized binary” (Reilly 2009, 36). For Sandy, being able to access or claim the HRD identity is something that holds great value to her; she is making this identity her own, and in so doing her position disrupts the local symbolic order that rejects her embodiment as a LGBTI person. In her

⁷² I cited the first part of this quote from Sandy in the previous chapter, in the section: *Interactions with the state*.

claims she exemplifies the fluidity of gender identity, and sees the safety and autonomy in being human. In claiming a universal, moral subject, presented and reinforced in the language of abstract human rights, Sandy pivots between a local and global space. She associates the “human” with safety and security and in so doing empowers herself within a local cultural context that rejects her embodied identity.

To conclude, this section has examined the discursive practices of the participants as they claim the universal human subject position of human rights defenders. The women defenders I spoke with *do* embrace the idea of “universalism” as championed by international discourses to a certain extent. For example, Myra reveals how WHRDs emphasize the “human” aspect of their identity in attempts to occupy the authentic “human rights defender” subject. However, the women also problematise a static understanding of universalism. As such, the participants attempt to recast the idea of “the universal” from their situated perspectives as women. For example, even in her claim to universalism, Sandy respects cultural diversity, and this cultural pluralism is an integral part of “being” a human rights defender. She also rebukes static understandings of gender norms as conflicting with ideas of “human rights”. Yasmeen’s definition of a universal HRD involves caring and empathising with others. As such, both Yasmeen and Sandy modify conventional discourses by reinterpreting the attributes that define a HRD. I continue this discussion in the following section: *the socially-embedded subject*.

7.4 The socially-embedded subject

According to Parekh’s analysis, social identities “represent a blend of normativity and power” and deeply affect an individual’s behaviour and self-perception within a society’s “disciplinary regime” (2008, 18). Parekh also observes that “gender is a dominant social identity” (2008, 18) integrally connected and scripted by societal norms and expectations. In this section I discuss the responses of participants when asked what it means to be a woman *and* a human rights defender. Reflecting dominant ideas in HRD discourses, many participants employed narratives that positioned women as more vulnerable in their activities as defenders than men, but distanced their own personal experiences from this perspective. Some were reluctant to discuss this idea of being a woman in the first instance, and argued that this aspect of their identity is not important to them. Others proudly identified as a woman and expressed an overt love of womanhood. The data gathered revealed two themes in how

participants understood the identity and experience of being a woman, *the resisting woman subject* and *the religious woman subject*.

The resisting woman subject

Contemporary feminist scholarship has largely rejected the concept of “woman” construed as a universal and essentialised subject. In the interviews, I asked each participant: “what does being a woman mean to you”. Their responses varied. In this section I draw on these responses to make visible various points of contention in the ways the women negotiate “being a woman” and the social and cultural associations that this label involves as they endeavour to be subjects in the HRD framework. Several women viewed their gender identity and/or experience in a “reluctant” or “disempowering” manner. For example, Myra posits,

I always have this tag of woman, and I am a single woman, a widow...all the time we face this problem in society. And it is not easy being a woman and a women human rights defender and defending the rights of others, because our society is so patriarchal...we have to face all sorts of criticisms from the society. (Myra, India)

In using the first person, “I always have this tag of woman”, Myra directly associates herself with the female subject she describes in this passage. She reveals her struggle to negotiate the complexities of what it means to be a woman in a “patriarchal” society. She concurs with prevailing understandings of HRDs as exceptional, empowered subjects “defending the rights of others”. She refers to her female gender in a negative way, as a “problem” in her self-identity as a HRD. In her response, she uses the phrase “this tag of woman” as a burden she must “always” carry, further complicated by her status as a widow. For Myra, this is another obstacle she must overcome to be a HRD. Myra was one of two women who chose to reveal their marital status in the course of the research⁷³. Others did not specify their marital status but spoke generally about how women human rights defenders are presumed to be unmarried. This suggests there is a trade-off for women who are seemingly expected to “choose” between a heteronormative private life as a wife and mother and a public life as a HRD. Myra expands more on this point and “this tag of woman”,

⁷³ Deena from Egypt said she was divorced and re-married.

Women have to carry different identities, and that is how others look to them - you are a mother, sister, daughter-in-law, wife, and that becomes the identity of woman...I want to act like a woman, but I don't want to act like a 'caring mother'. I don't want to see me just like a caring mother. I want to see me like a strong woman, but that doesn't mean that I am a man! That doesn't mean that just because I am strong I am just behaving like a man! (Myra, India)

Myra says, “I want to act *like a woman*, but I don’t want to act *like a caring mother*” (my emphasis). Here, Myra echoes tenets of liberal-equality and radical feminist thinking: to be successful in the public domain, a woman must not be a mother and reject associations of motherhood. In this thinking, women are defined by their relationships to others, particularly as mothers and carers. According to Myra, “women *have to carry*” these identities (my emphasis). Here Myra is strongly dissociating herself from the supposedly feminine attribute of “caring”, declaring: “I don’t want to see me just like a caring mother”. According to Myra, “a strong woman” is the opposite of a “caring mother”. It is significant that she roots her claim on how she wants *to see* herself, and not how she wants *to be seen by* others. “I want *to see me* like a strong woman, but that does not mean *I am* a man!” In seeing her identity and experience as a woman *and* as a human rights defender, Myra simultaneously rejects the label of “caring mother” (seemingly the only option for women) as well as the label of “man” (seemingly “strong” in his own right). She continues,

It applies to me, “women human rights defender”. Because...being a woman, I am a women human rights defender. But also I address the issues of other human rights defenders. Sometimes I am confused, like, I am a woman, so I am a part of the women human rights defenders? Or only if I am taking on the issues of women? [sic] (Myra, India)

Myra here reveals the general confusion concerning the term “women human rights defender” and who exactly falls under the category of a WHRD. Myra was one participant who identified both as a “women human rights defender” and a “human rights defender”, but felt as though the general human rights defender was more applicable to her. She also was one of the three women I interviewed who worked predominately on issues related to women’s rights. Therefore, Myra’s response reveals the difficulty of claiming the label of a “women human rights defender” outright – even for those women activists who work in areas concerning women’s rights.

Hannah from Kenya also discusses her associations of being a woman. She says,

We [women who are human rights defenders] burn out much faster than the men...Emotionally we are weak. I think so. We have so much - We empathise you know?...We are real moms, and we become like moms to our community. That's what I do...That is a result of the fact that I am a woman. (Hannah, Kenya)

Here, Hannah defines women in terms of their emotional susceptibilities, and asserts that these associations are what make women “weak”. She also invokes the idea of motherhood, and claims that women “are real moms” in their work as human rights defenders. In this way, Hannah is modifying defender discourses – seeing women who are human rights defenders as empathetic, even as maternal. Women “become like moms” to the people they work with and help in their role as human rights defenders. While, according to Hannah, emotionally women are “weak” and “burn out” more quickly than men, she does not necessarily observe this as necessarily negative for women in her field. In fact, she understands her own identity as a woman and as a human rights defender in terms of these assertions. “That’s what *I do*.” “That is a result of the fact that *I am* a woman” (my emphasis). She acknowledges the emotional burden WHRD take on in their work, and, like Yasmeen in the previous section, stresses “empathy” as integral to what *she does* as a human rights defender.

Talia from Sudan also makes comments on her positioning as a woman. She posits,

I like to be a woman - I am very proud of myself as a woman. And I think that all my life...gender issues never and should not stop me from doing what I believe in, or what is being important or something for me in my life [sic]. I am trying to deal with this situation...I love to be a woman...I know that in some cases it can be a ‘vulnerability’ for me, being a woman, but I think that this is a challenge I have to take it...I'm trying to be successful in my work to prove that it cannot prevent me from doing what I need to do to be successful in my field, to overcome all the challenges that I can go through. (Talia, Sudan)

Talia here expresses her gender identity of a woman in a positive way and signals resilience and pragmatism in her response. She is “proud” of herself as a woman, and this is “important” for her in her life and her work, in spite of the hostility of the “situation” of woman in her local environment. She embraces her womanhood. She uses

first person, “it can be a vulnerability *for me*”, to directly identify with the subject position she describes. This suggests that Talia understands her (female) gender identity as a potential source of “vulnerability” for her, which somewhat coincides with prevailing narrative of women as more vulnerable than men in discourses on HRDs. However, in her comments Talia alludes to a temporal type of vulnerability, and how vulnerability exists “in some cases” and certain “situations”. Talia as such does not necessarily perceive herself to be vulnerable all the time. She is largely optimistic in her response, aware of the challenges she faces but still “loves” her womanhood. She expresses her wish to “be successful” in her activities as a human rights defender “to prove” that her femaleness is not a liability, and that she can achieve her successes *in spite of* any perceived limitations of being a woman.

The responses from Myra, Hannah and Talia in this section expose the resilience and the awareness of women in the HRD framework. The participants acknowledge women’s embedded roles in society, yet do not necessarily interpret these roles as incompatible with the responsibilities of being a human rights defender. Similar to other references throughout these two chapters, these moments allude to a type of vulnerability related to women’s location within wider social and cultural constructs. The women reveal an underlying resilience in their attempts to stand in the HRD framework even as they “face all sorts of criticisms from the society” (Myra, India).

The religious woman subject

In the responses, there were several examples of women who directly spoke of their female gender identity in an optimistic and empowered way. In this section I highlight the particular responses of two participants who identified positively as women and, both directly and indirectly, as Muslim. As Parekh notes, being a member of a religious community is an important layer of social identity, contributing to the ways in which “individuals situate and orientate themselves to the world” (Parekh 2008, 23). Both Deena from Egypt and Yasmeen from Bahrain explicitly referred to their religious backgrounds when speaking about their lives and work as HRDs. Egypt and Bahrain are two countries with large majority Muslim populations, where Islamic (Sharia) legal frameworks and norms are influential.

Deena is a women’s rights advocate, working with women from both urban and rural areas of Egypt. She says,

And so for me, it is a challenge because I like that I am a woman! Really!...I didn't remember if I ever wanted to be a man! I think not. I am a woman, and I am happy for women and I like clothes, I like accessories. I like to be nice, first for me, and second for people. Because I am feeling that this gives people hope - when you smile, this is life. Life is nice. This is me, I am woman. (Deena, Egypt)

Deena says, “I like that I am woman”, using the first person to fully embrace the gendered subject she affirms. Deena strongly expresses that she “really” “likes” that she is a woman. She reflects on her position as woman; she has never “wanted to be a man” and express her fondness for things traditionally associated with the feminine, such as “clothes” and “accessories”. She embodies the feminine without apology or equivocation; it is part of who she is as both a woman *and* a human rights defender. Here she also outlines behaviours she associates with performing or being woman: “being nice” and “smiling”. Deena embraces her womanhood in her activities, and her feminine self “gives people hope” and is useful to her. She says, “life is nice. This is me, I am woman”. She strongly aligns herself with the woman subject while simultaneously claiming the HRD identity as her own and without referring to tensions and difficulties in doing so.

She continues,

I am very, very comfortable with my religion. I am Muslim. I have never hated this. And sometimes I put on hijab, and sometimes I take off the hijab - because I don't like [it]. And I pray and I make practice of Ramadan - and I respect you, and I respect anybody with no religion. I don't have any problem with anybody. Except when the people attack me in my religion. You should respect me also. (Deena, Egypt)

Here Deena speaks directly as a Muslim subject, “I am Muslim”. She asserts that she is very “comfortable” with her identity as Muslim and she has “never hated this”. It is necessary, according to Deena, to justify this aspect of her identity when speaking with me as the researcher. This reflects an assumption that as a Western member of the international community I have “no religion”. The idea of human rights as “non-religious” reflects an international world politics that reinforces the liberal Enlightenment ideals of society being comprised of a strict binary between the non-religious public sphere and the religious private (Ignatief 2001; Orientlicher 2001). This is indicative of a wider understanding of religious doctrine, and more specifically

Islamic doctrine, as conflicting with the core principles of the international human rights project⁷⁴. This also reveals a further connotation of the public-private divide (discussed in Chapter 6) that women trouble in their assertion into the HRD framework. Ideas of the global world of human rights as non-religious and in opposition to local religious identities limits and creates an extra discursive layer of work women must “do” to stand as human rights defenders in the international arena. Like Sandy’s comments indicating her respect for “all cultures” in the previous section, here Deena reveals a similar pluralism as she “respects” all religions. She says: “I don’t have a problem with anybody”, no matter what their religious affiliation may be.

In addition, as discussed in *the universal human subject*, looking at the subjectivities of women human rights defenders reveals the tension between the universal/global and local/particular spaces. As Deena recounts, she expects her religious identity to be respected no matter where she goes and who she is interacting with. She reveals a rejection of a “western gaze” she associates with the international human rights world. Here, Deena addresses me directly, and assumes I am non-religious as a person from the West: “I respect *you*” and she follows this later with and “*you* should respect me also”. Deena’s response reveals how religious women (particularly those from Islamic communities) must reject the assumptions of the West concerning their religious identities.

Yasmeen refers to her religious identity in the following statements,

But being a woman is...especially being an Arab woman it is something which is good for me to cover woman issue especially because there are sometimes when you talk about ‘woman issue’ as a woman, if you are covered, if you are religious...it makes my voice heard easier...And [I am] privileged also by being a woman because...in Bahrain, they don’t really target woman until now as much as they target [men] human rights defender [sic] So I’m lucky because otherwise I might be behind bars.
(Yasmeen, Bahrain)

Yasmeen asserts herself simultaneously as a “covered” “religious” woman and a human rights defender. She uses the word “cover” in two different ways: “to cover woman issue” and “to be covered” as an Islamic woman. Unlike Deena, Yasmeen chooses not to say “Muslim” or “Islam” in her interview. She discloses this aspect of her identity

⁷⁴ For more on religion and human rights, see: Mahmood, S. (2016). *Religious Difference in a Secular Age: A Minority Report*. Princeton, New Jersey: Princeton University Press.

indirectly, saying “Arab”, “religious” and “covered”. In other parts of her interview Yasmeen also describes the current religious tensions in Bahrain. According to Yasmeen, there is a conflict between the majority Shia Muslim population of the country and the government leaders and the royal family, who are Sunni Muslims. Shia Muslims maintain that they are denied access to government positions and continually discriminated against by the ruling Sunni. Yasmeen’s decision to not say “I am Muslim” outright could be a strategy she uses when speaking to a Western member of the international community, in case I would interpret her being “Muslim” in a negative way. This reveals how Yasmeen, like Deena, navigates a “western gaze” in articulating and presenting her self-identities.

In her statements, Yasmeen demonstrates how being “religious” allows her “voice” to be heard more easily, and how it has kept her from being targeted by the state. She implies a level of empowerment gained through this identity – “being an Arab woman” is something that is positive for her. Her identity as a human rights defender is intertwined with her religious and gender identities. She continues,

Is being a woman an advantage? Yes. For example when I take some journalists to some of the villages, and being a woman, not wearing a veil or hijab or something, I can take them inside the villages, I can show them the reality of Bahrain. It did advantage me. If I am a woman I am speaking at a national or international event I cover issues about Bahrain [the international community are]...mostly seeing me as an open-minded woman. (Yasmeen, Bahrain)

Yasmeen uses first person, “it did advantage *me*”. She continues to speak directly about how both her gender and religious identity are “advantages” to her in her activities as a human rights defender. She moves freely in a local, conservative religious context while simultaneously being seen as an “open-minded woman” by the international community. Yasmeen was the only participant who directly associated being a woman as an advantage to her in her work. Yasmeen, therefore, does not accept the traditional ascription of female vulnerability in the HRD framework and views her (female) gender identity instead as a positive factor that enables her claim to the HRD space.

There are many ways women attempt to assert themselves discursively as HRDs vis-à-vis their social identities as women. Looking at women in the HRD framework reveals how human rights defenders are situated in the interface of domestic and international contexts; where they are both advocates for their local communities and participants in

a “global” framework laden with gendered assumptions concerning who *they are* and who *they should be* as women. The responses from Yasmeen and Deena reveal that religion is not only a significant factor in HRD work, but also, at times, it is used strategically by women in their activities and shapes their identities as defenders. In this sense, both Yasmeen and Deena reflect modifications to the mainstream identity of the HRD by understanding their religious affiliations as central to their self-identification as women *and* as human rights defenders. Also, they contest the seemingly non-religious “western gaze” in their assertions.

7.5 Conclusion

Women seek out and attempt to occupy the HRD identity as a means to be seen, to be heard and to be recognised for their activities as “human rights defenders”. In doing that discursive work, they must also resist “being women”, or rather the generalised definitions of what it means to be a women in the HRD framework. These definitions are shaped by the hyper masculinity of the HRD paradigm, and the residual positioning of women within this space. When women enter HRD discourses and attempt to occupy the “human rights defender” identity, they are ascribed with a default, narrow, *prima facie* type of vulnerability that has implicitly negative connotations. This is at odds with the prized subject of HRD discourses: the invulnerable hero who challenges the state. As such, while most of the women I spoke with believed that women are “vulnerable” by virtue of gender, *all* of them actively distanced themselves personally from this vulnerability in their discussion of their own identities. As they strategically critiqued and resisted being coded uniquely in terms of their vulnerability, the participants also alluded to “intentional” gendered performances, reached to an imagined universal human subject and redefined what it means to be a socially-embedded subject and a HRD.

For the participants, claiming the label of a “women human rights defender” is not a straight-forward process. For some, it holds different value in an international or regional human rights environment than it does locally. For others, the term for women in the HRD paradigm is confusing, contested, and even considered to be incorrect. By self-identifying first and foremost as a general “human rights defender”, the majority of participants resisted the gendered structures ascribed to women by dominant HRD discourses. In addition, the confusion concerning *who exactly is* a women human rights

defender contributed to the reluctance of some participants to claim this identity, even when participating in a research project that targeted “WHRDs”. The difficulty of defining a “women human rights defender”, and as such the reluctance to identify as one, speaks to the hyper-masculine nature of the HRD framework. I argue that maintaining the ambiguity of this category of “human rights defenders” contributes to the on-going marginalisation (and at times erasure) of women and women’s experiences by HRD discourses.

In their attempts to sit discursively in the framework, the participants generally acknowledged the moral superior and righteous “good work” of human rights defenders. This assumption is linked to the “universal human” subject, which is a masculine ideal. The women defenders claimed the moral and human subject of HRD discourses as a way to deny “the particular” of being a “woman”, and, simultaneously, the “vulnerable female subject”. This claim to universality is a discursive tool to refuse the vulnerability associated with specificity. The women interviewed largely embraced an understanding of an imagined transnational space for HRDs. In the interviews, I asked the women whether or not they believed there was a “community of human rights defenders” and if yes, if they consider themselves to be members. All affirmed that, as evidenced by their participation in international HRD events. This revealed a conventional alignment with human rights discourses. However, their responses also exposed how they reinterpret the values of “universalism” in their own local contexts as “situated knowers”. In this manner, the women do not necessarily “buy into” universalism and the defence of human rights as is, but rather alter and enhance these definitions through their claims to the HRD identity. In her responses, Sandy from Uganda particularly illustrated this idea, as she associated the “human” with a safety and security denied to her as a LGBT person in a Ugandan context.

Along the same lines, the underlying “western gaze” of mainstream human rights defender discourses further contributes to the discursive work women must do to occupy this framework. This gaze is demonstrated through a common essentialised view of “other” cultures, and is integrally connected to a Western trope concerning women (especially those from non-Western contexts) as “victims” of backwards, oppressive cultural practices. As discussed in Chapter 2, the HRD framework’s bias towards universalism reveals the prevailing resistance concerning nuanced understandings of “culture”. According to HRD discourses, “the defence of human rights” is realised only through a rejection of local norms and practices. However, the

insights and voices of women in this framework reveal the problematic effects produced by this thinking. The majority of participants embraced aspects of their “particular” locations in their descriptions of their activities as HRDs, such as articulating positive associations with their families and their religious affiliations. Deena from Egypt and Yasmeen from Bahrain in particular embraced their identities as Muslim women simultaneously in their claims to be women and human rights defenders. Women in the HRD framework face burdens of not only challenging particular gendered norms and sexism associated with “being women” in a local context, but also those norms ascribed to them as women by the wider international community.

However, despite the obstacles, the participants revealed the strategic and resilient ways they not only attempt to occupy the defender space, but enhance HRD discourses to better relate to their lived experiences. Here, I break down six overlapping ways women defenders expanded definitions of *who is* a human rights defender according to the interviews.

1. HRDs as “empathetic”, “caring” and “empowering others”: several women, including Hannah and Yasmeen, spoke to the “empathetic” nature of the universal HRD, and how “caring” is a fundamental aspect of this identity. Yasmeen in particular suggested an underlying “ethics of care” feminist perspective as essential to the HRD’s activities. Hope also outlined the importance of HRDs of empowering and “making conscious” their communities. These ideas mark a significant departure from the robust, masculine advocate championed by HRD discourses.
2. HRDs as respecting “all cultures”: In her interview Sandy alluded to a cultural pluralism that reflected a pragmatic understanding of “the respect for cultures” as integral to definitions of HRDs. She demonstrates the importance of cultural diversity even through a lens of universality.
3. HRDs as active members of religious communities: Yasmeen and Deena refer to the importance of their identities as Muslim women as necessary to their self-identifications as both women and as human rights defenders.
4. HRDs working collectively: as discussed in Chapter 6, Sophia, Karina and Nawal in particular challenged assumptions of HRDs as lone subjects and stressed the

significance of being a member of a group in their work as human rights defenders.

5. HRD activities beyond just contesting the state: Veronika in particular questioned the static understanding of the monolithic, rights offending state championed by the human rights project and HRD discourses. In her response, she disrupted the public-private divide as well as the narrative of the publically based and individual hero of HRD discourses.
6. HRD activities deconstructing the “private sphere”: Yasmeen, Nawal and Karina also indicated an understanding of the oppressive operation of a strict public-private binary on women’s identities and experiences, and even rejected ideas of the apolitical family unit as beyond the purview and responsibility of a human rights defender’s activities.

These moments reveal the possible ways women human rights defenders reinterpret the supposedly general “HRD” from perspectives informed by “feminist” values. This is a key set of findings from this research. However, it is important to note that in their responses the majority of the participants overtly rejected ideas of “women’s human rights” and feminist interventions into the human rights project. I argue that this reflects the blatant hostility of the HRD framework to such discourses, and the overall lack of feminist consciousness within this space. I continue to expand upon this point in Chapter 8.

Related to the central objectives of my thesis, I sought to highlight the ways vulnerability is *actually experienced* by women in the HRD framework versus the discursive assumptions at play in this space. This leads me to the primary thematic finding of my research: the way participants perceived and articulated accounts of vulnerability as *structurally located* and *discrimination-related*. This is exemplified through moments referencing precarious employment in the NGO sector as well as acknowledging the pervasive sexism women encounter as a result of prevailing gender norms. Women’s vulnerability to physical violence (including rape and sexual violence) did not surface as a strong theme from the data collection – Talia from Sudan was the only interviewee to discuss rape when telling an anecdote concerning a former female colleague. As such, the strongest thread concerning gendered implications of structurally located vulnerability centred on the struggle of women to be recognised and seen as HRDs by their communities, including by male human rights defenders. In

so doing, the participants articulated a critique of the generalised assumptions of vulnerability posed by the HRD framework, and revealed the need for more contextual and nuanced understandings of vulnerability and WHRDs.

For such new readings of vulnerability, I posit expanding HRD discourses to avoid slipping into a “problematic logic” (Reilly 2013, 4) of understanding vulnerability as based on biology. I argue that if proponents of the HRD framework want to understand and support women who identify as HRDs, they need to contextualise the actual ways vulnerability is experienced in women’s lives. This includes understanding vulnerability as a relation, encountered unequally by different people based on structural, political and economic locations, as well as a possible discursive moment for resistance. I continue to build upon these points in the following and final chapter of this thesis.

Part V: Thesis Conclusion

Chapter 8

8.1 The significance of gender in the lives and activism of women human rights defenders

This thesis critically engaged with the gendered dimensions of the “human rights defender” paradigm. An emerging framework within global human rights discourse, the HRD paradigm is concerned with the recognition of the contributions of local individuals and groups to the bottom-up realisation of human rights principles and standards. This framework has expanded significantly since its formal establishment in 1998, when the United Nations General Assembly passed the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms* (UNGA 1998a). This Declaration, commonly referred to as the “Declaration on Human Rights Defenders”, recognised the work of those individuals and groups active in the field of human rights advocacy. The international human rights community categorised these activists as “human rights defenders”, defined broadly as those who “individually or with others, act to promote or protect human rights” (OHCHR 2004, 2).

In this project I examined the experiences and identities of women in this framework, typically described and understood within the HRD world as a group of defenders who are “particularly vulnerable” (OHCHR 2004; 2017c; Front Line Defenders 2017) compared to their male counterparts. The dominant idea of vulnerability in this context, however, is based on essentialist interpretations of “women”, “female bodies” and “victimhood”. For example, former UN Special Rapporteur on HRDs Margaret Sekaggya, asserts without providing supporting evidence that “women defenders are *most likely* to be subjected to certain forms of violence” (HRC 2009b, 9) and in particular are “*often subjected to rape and other forms of sexual violence because of their work*” (UNGA 2010, 12) (my emphasis).

HRD discourses are not concerned with the realisation of “human rights” per se, but rather with promoting the work of an individual “defender of rights”. The HRD is defined as heroic and agentic, who continually works to address rights “on behalf of”

those “vulnerable others” within their societies. As such, the term “human rights defender” does not connote a vulnerable subject, unless the HRD is coded woman. Discussions about women defenders often slip into a discursive logic of their “otherness” to men, an otherness that is defined implicitly by a supposed heightened risk of (sexual) violence that is simply never recognised as a threat to male HRDs.

According to Gannon and Davis, “the binaries within discourse *limit* and *constrain* modes of thought and possibilities of identity. They disguise them as natural give us only one option – of mimicking one part and abjecting to another” (Gannon and Davies 2007, 75) (my emphasis). Informed by such post-structuralist thinking as well as feminist and critical gender theories focused on identity, in this thesis I scrutinised how these narrow interpretations of gender and vulnerability interact to “limit and constrain” the experiences and possibilities for subjectivity available to women in the HRD framework. In particular, I set out to investigate the ways “being a woman” is significant to those women who self-identify as human rights defenders.

In recent years, “human rights defenders” have received increased attention in academia. Most such discussions prioritise examination of the ways in which the international community (the vast network of NGOs, regional and national institutions and the United Nations) can provide a better means of supporting and protecting “human rights defenders” in their work. This academic scholarship recognises “human rights defenders” uncritically as “agents of change” (Nah et al. 2013, 401) and “the lifeblood that our democracies need in order to flourish and survive over time” (HRC 2017a, 3). By interrogating the underpinning assumptions of the paradigm and its philosophical and ideological roots, this project marks a significant departure from current scholarship and practice concerning human rights defenders.

In this closing chapter, I review the main tenets of the research and offer some recommendations based on the insights illuminated by this thesis. This discussion is divided into two sections: *women’s identities and experiences in the HRD paradigm* and *moving forward: implications for future research*.

8.2 Women's identities and experiences in the HRD paradigm

In this thesis, I deployed concepts from critical gender and feminist studies in order to probe conventional HRD narratives. I scrutinised what these narratives reveal about the subject positions available to women human rights defenders and the hierarchy of gender norms produced and reproduced by the paradigm itself. As I discuss in Chapter 1, I based my analysis in well-documented feminist critiques of the human rights project (Reilly 2009; 2011; Bunch 2001; 1990; Edwards 2011; Charlesworth and Chinkin 2000; Otto 2005; 2010; Merry 2003). In particular, I looked at the ways feminist scholarship has challenged hegemonic perceptions of human rights and the rigid public-private binary – philosophies which I argue are reinforced and reinscribed by dominant HRD discourses. In the following discussion, I succinctly unpack the significant facets of this research and how I framed my investigation and critique of the HRD paradigm.

Critical feminist theory and methodology

This research is primarily rooted in feminist theories of identity. As discussed in Chapter 4, I used the work of Judith Butler as a lens to contest the static gender norms underpinning the human rights project and the universal, masculine “body” at the heart of HRD discourses. Through an understanding of Butler’s theorisation of gender as performative, I recognise gender norms as “preceding and exceeding” the subject. “Gender” is a phenomenon that emerges through discursively mediated and repeated action, and not through fixed biology and “sex” (Salih 2004; Butler 1988; 1990). In line with these ideas, I chose to realise the objectives of this research from a post-structuralist perspective. I acknowledge the importance of “discourse” as a source and producer of knowledge, and subjectivity as fragmented and in flux. This thinking enabled me to question gender identity and subject formation as a linear and stable process, as well as to problematise the gendered ascriptions and discursive constructions women encounter as they attempt to sit as subjects in the HRD framework.

Moreover, I elected to critique the *entire* HRD framework by prioritising the perspectives and experiences of *women* (and not men) within this space. As I present in Chapter 5, this reflected my commitment to “feminist standpoint theory” and the recognition that “a representation of reality from the perspective of women is more

objective and unbiased than the prevailing representations that reflect the standpoint of men” (Jagger 2004, 62). I argue that the human rights defender framework is a hyper masculine space, and is bolstered by classic liberal interpretations of civil and political rights that call for the monitoring of rights offending states. Women have only gained entry into this framework to a limited degree, and remain a residualised group – an “Other” to the true “one” male human rights defender. I argue that the narrow assumptions of women as more vulnerable than men (based on their embodied susceptibility to sexual violence and their location within the “barbaric cultures” of non-western places) contribute to this casual marginalisation of women in the paradigm. My project therefore looks at the perspectives of women HRDs, located at the margins of the framework, with the goal of better understanding the way that gender operates in the mainstream HRD framework on the whole.

Through the perspectives of women I sought to unpack the hidden meanings and contestations in naming women as “human rights defenders”. In so doing, I endeavoured to interrogate these perceptions of vulnerability with the goal of positing an alternative interpretation that encompasses the *lived* experiences of women in the human rights defender framework, according to what these women *say*.

Contestations and limitations of the HRD paradigm

To understand the complexities and nuances of women’s positionings in the HRD framework, I first considered the wider political, gendered and historical context through which the “human rights defender” emerged. This “genealogy” of the framework takes into account how the identity of a “human rights defender” entered and progressed within international human rights discourses. I introduced the politics and workings of the UN Commission on Human Rights, the UN body tasked with the drafting of the HRD framework’s founding document: the 1998 Declaration on Human Rights Defenders. I also provided an overview of the role of NGOs in the campaign for an international mechanism to recognise so-called human rights defenders and their activities. Support for the HRD framework originated largely from Western-based international NGOs who were seeking new ways of “naming and shaming” non-Western states viewed as rights offending.

In Chapter 2, I provided a descriptive analysis of the drafting of the 1998 Declaration itself, from 1986 – 1998. This involved an extensive discussion of the political and

ideological contestations within the Working Group on the *Right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms* (the Working Group). Through repeated readings and a discourse analysis of the Working Group's annual reports, I unpacked three central and intersecting points of contention that were present throughout the drafting process: (1) non-interference in domestic affairs and the principle of state sovereignty, (2) ideas of universality, indivisibility, culture and human rights and (3) the tension between duty to community and individual rights. Each of these debates connects to wider ideological contestations within the United Nations, which were magnified in the late 1980s during the final years of the Cold War and the pro-human rights era of the 1990s.

These three key debates expose the underlying and on-going biases that are produced by HRD discourses. In terms of state sovereignty, elevating the status of an individual activist to "human rights defender" is a means through which to legitimise contesting the "sovereignty" of those (predominately non-Western) states viewed as hostile to human rights. In terms of universality, proponents of the HRD framework support a classic human rights understanding of "universalism" and human rights norms. States and international NGO delegates who supported the HRD identity maintained a strong aversion to reference of "cultural identity" and "community duties" in the 1998 Declaration. The bias of the human rights defender framework toward universalism reveals a deep-rooted aversion to interpretations of community and culture. Debates over provisions concerning "the indivisibility" of human rights norms emerged as certain delegates (Cuba in particular) questioned the prioritisation of civil and political rights within the HRD framework. In addition, HRD discourses largely champion individual rights, and definitions of defenders rarely include "groups". The visible, individualistic mind-set in the HRD framework reveals what is prioritised in naming "human rights defenders", and what is side-lined. This initial analysis was necessary to provide context and pinpoint the moment when women's experiences and "gender" enter into discussions about human rights defenders.

In Chapter 3 I focused in particular on the culmination of the women's human rights movement and the recognition at the 1993 World Conference in Vienna that "women's rights are human rights". To disrupt narrow and male-biased readings of human rights, the international women's human rights agenda was two-fold; it targeted mainstream human rights practice to better address women's concerns and it pressed for the

recognition of new normative understandings of rights abuses experienced by women. In so doing, while the Working Group in the UN Commission was drafting the 1998 Declaration, women's advocates in the 1990s succeeded in expanding the definitions of rights and pushing against modes of binary thinking in human rights discourse. As an extension of the genealogy of the HRD framework, I explored the descriptive context of the "gender-focused" discourse of the HRD paradigm and the emergence of the "women human rights defender". I focused in particular on how these discourses embraced and deviated from the objectives of the women's human rights movement of the 1990s. While certain discourses were more readily embraced (such as "violence against women") others were overlooked (such as the right to development and the importance of socio-economic rights).

Feminist intervention in human rights discourses debunked those prevailing biases within the human rights framework: including the principle of state sovereignty, the public-private dichotomy, individualism, universality and the privileging of civil and political rights over economic, social and cultural rights. In contrast, the HRD framework is a quasi-legal mechanism that does not expand definitions of "rights" and rather deploys the language of "human rights" in a limited way.

Challenging vulnerability: the words and insights of women who self-identify as human rights defenders

The extent to which the term "women human rights defender" itself remains an ambiguous label speaks to the hyper masculinity of the HRD space and signals the difficulty of women sitting in this discourse even nominally. The term is understood and applied differently in different situations. At times it is applied to (1) women who are human rights defenders, (2) women who work in areas of women's rights, (3) men and women who work on issues related to women's rights and (4) women and LGBTI defenders of human rights. When speaking with women as part of the data collection, I specifically asked if they identified as a "women human rights defender" or a "human rights defender". The majority (eight out of 11) preferred the general "human rights defender". I argue that my project's participants strategically rejected the label of "women" as a way to resist being coded as the vulnerable female subjects implicit in definitions of "women" in HRD discourses.

I therefore sought to unpack the way vulnerability is experienced in the HRD framework according to what women in the framework *say* as opposed to prevailing

discourse *ascribed to* them. To meet this objective, I deployed an analytical framework comprised of the ways vulnerability is *named* in broader human rights discourses. According to Reilly (2013), there are three types of vulnerability most commonly recognised in human rights literature. These are: embodied or “prima facie” vulnerability, vulnerability that is “structurally located” and those who are rendered vulnerable because they are targeted by “discriminatory” policies and practices (Reilly 2013). Building on this three-part schema and combining it with the theorisation of vulnerability by Butler and Gilson, I developed my substantive analytical approach as presented in Chapter 4. Using this schema of vulnerability enabled me to recognise how the majority of my participants alluded to “structurally located” and “discrimination-related” types of vulnerability. Going against the grain of dominant HRD discourse, female vulnerability based on a supposed susceptibility to violence, or “prima facie” vulnerability, did not surface in the interviews. In resisting being coded as prima facie vulnerable female subjects, the women interviewed challenged and re-defined the meaning of “vulnerability” itself. So, while vulnerability certainly exists and is an aspect of being an HRD, my research shows that the vulnerability experienced by women human rights defenders *is not* based on biology or physical vulnerability. Rather their vulnerability should be understood as *relational*, and experienced unequally by different people depending on their location within wider social, political and cultural architectures.

In Chapters 6 and 7, I illuminated the discursive constructions the women deployed as they struggled to hold their place as HRDs as women while simultaneously denying connotations of female vulnerability. In this manner, many attempted to embrace the masculine subject position idealised in HRD discourses. Female masculinity (Halberstam 1998), or the intentional embodiment of a masculine space as women, was largely the modality at work in the interviews. Women therefore had to deploy a strategic defensiveness in their discursive attempts to be “human rights defender”: having to stand in a space, wherein they are coded vulnerable as a result of their gender, but also seek to be the agentic, heroic and righteous HRDs “required” to occupy this discourse. In contrast, some women deployed mimicry (Irigaray 1985a) and played up and mimicked aspects of their feminine selves to stand as subjects. Others claimed the “gender-less” universal human subject and rejected “woman” all together. To enhance this analysis, I provided an in-depth discussion of the concepts of “female masculinity” and “mimicry” in Chapter 4. These tensions reveal the complexities and multiplicities of gendered subjectivities at work in the HRD framework, and the ways

women must push against and resist the hierarchies of gender in their attempts to occupy a space in which they are, as women, residualised discursively.

Looking at the experiences of women in the HRD framework ultimately exposes the damaging effect of the public-private dichotomy, and the way the “public” figure of the HRD has gendered effects. The attempt to occupy the public sphere as a woman and as a defender renders her “vulnerable” as in that moment she is not doing what she *should be* doing as a woman (according to social norms) and remaining in the home.

Therefore, the framework’s discounting of the “private” sphere and upholding the idea of an “apolitical” family life as beyond the purview of a human rights defender’s activities serves ultimately to bolster the masculine bias of the framework, and restrict women’s options for subjectivity in this space.

Women, as they move into the HRD framework, move into the public sphere and thus expose the unique moments wherein vulnerability and resistance coexist. This resonates with Butler’s rethinking of vulnerability as a potential discursive space for agency (Butler 2015). Several women interviewed spoke to a pragmatic awareness of the gendered effects of the public-private binary, and exposed the importance of including associations of the “private” as part of the activities of HRDs. This made visible an underlying “feminist ethos” that was previously hidden in HRD discourses. The participants revealed the many resilient and pragmatic ways they navigate these discourses in order to “be” human rights defenders and women, while simultaneously doing the “invisible work” of challenging the construction of meanings in the paradigm itself.

In the end, there is not a one-size fits all narrative that applies to women when they attempt to occupy the HRD framework. Attending closely to the words and language of women reveals the ways in which the HRD framework is a site of contested meanings, and champions a narrow thinking that serves certain political and ideological interests while excluding others.

8.3 Moving forward: implications for human rights defenders

The development of the HRD framework in the late 1990s and 2000s was an offshoot of the revival and pro-human rights decade of the 1990s. I posit the establishment of this framework is, to a certain extent, a reaction to the significant shifts in human rights

thinking that were taking place during this time. In particular, the expansion of rights that was and is championed by feminist interventions. The HRD paradigm further attempts to refocus attention away from these new definitions and solely onto the activities of repressive regimes towards individual activists. The HRD framework as such reinstates conventional understandings of rights as civil and political. I argue that the framework enhances and reflects the wider global political shifts during the late 1990s and 2000s away from the ideas of the “welfare state” and towards neo-liberal ideologies. Therefore, the HRD paradigm is strongly reluctant to feminist consciousness and critique. This is seen in the lack of feminist engagement by gatekeepers to the HRD framework, as well as an outward reluctance to “feminism” and the rejection of “woman” made by the women activists within the framework itself.

I argue that the activists who access the HRD framework are able to perform and fit a particular “HRD model” that is championed by the rhetoric of the framework’s key international players and funders. The activist works on issues of civil and political rights, predominately lawyers and journalists, who work in non-western environments, and who have the knowledge and means to access the international space. I posit therefore that the HRD framework needs to be seen for what it is: a framework that, in practice, is most effective and most suited for advancing civil and political rights. Even within discourses on WHRDs, those women who access the HRD framework predominately work on issues pertaining to civil and political rights. In the manner David Kennedy (2002) critiques the broader international human rights project, the HRD framework should be recognised as a “product of a particular moment and place” (Kennedy 2002, 114). With the lack of critical thinking and acknowledgment of its philosophical base and prevailing biases, it is questionable whether, moving forward, the HRD paradigm can be perceived as having a meaningful impact in supporting realisation of the full spectrum of human rights – encompassing social, economic and cultural rights – in local spaces.

At the same time, the human rights defender paradigm *can be* and *is* understood as a transformative space for the individual women who access it. Identifying strategically as a “(women) human rights defender” provides a means through which activists from all over the world can access resources of support and recognition for the work that they do. According to the responses of the participants in this project, identifying as a human rights defender plays a variety of roles in their self-perceptions. For example, to Sandy from Uganda the HRD label is not only empowering – but it is a means of feeling safe. It helps her rectify her identity in a context that continually threatens her well-

being as a LGBTI person. In this way, by reaching to the identity of a “human rights defender” Sandy is reaching for the safety she associates with this identity. I do not downplay the ways in which this framework is impactful for the women who engage with it – as a source of protection, a political tool and/or a means through which to align themselves with the imagined global movement to respect and protect “human rights”. However, the proponents of the HRD framework must better understand the real sources of vulnerability and impediments faced by women attempting to occupy the defender identity. More can be done, discursively and practically, to lessen the amount of work women defenders must do as well as to actively support women to move from the margins to the centre of the HRD space.

It is also important to note that in recent years, certain issues are gaining traction in the HRD framework. Defenders of LGBT rights are now actively embraced in HRD discourses (ISHR 2017b; HRC 2017a). Reproductive health rights activists have been named as “women human rights defenders” by the UN Office of the High Commissioner for Human Rights (OHCHR 2017e). There also has been extensive attention given within the HRD framework to defenders of environmental rights very recently. The current UN Special Rapporteur on HRDs Michel Forst dedicated his 2016 report to the UN General Assembly to the situation of “the heroic activists who have braved the dangers facing them and defended the rights of their communities to a safe and healthy environment” (UNGA 2016, 3). Forst has also announced that his upcoming report in 2018 will feature discussions of the impact of corporations and businesses on human rights defenders. These developments reflect emerging modifications regarding who is being named as a “human rights defender” and what counts as a legitimate focus of activism within the paradigm.

However, these changes would better serve women defenders if they also included an explicit acceptance and integration of a critical feminist analysis and consciousness, which comprehends structural and relational forms of oppression. On a positive note, the attention given in recent times to reproductive health rights activists is encouraging. To go further in this direction, I posit that such a feminist approach applied to the HRD project consciousness would begin by resisting the problematic generalisation of women’s bodies as fundamentally vulnerable. It also would involve challenging the “individualistic” and “universalistic” biases of HRD discourses. If proponents of the HRD framework want to better understand and support women (and men for that matter) the framework needs to incorporate a more contextual interpretation of vulnerability. It needs to take into account the myriad of ways

vulnerability is actually experienced and resist a slippage into a narrow “western gaze” and processes of “othering” non-western communities and cultures. It also needs to problematise hegemonic economic structures and meaningfully engage with social and economic rights. Without these shifts in focus, I question whether or not the framework can be an effective means through which to support grassroots activism, and the realisation of rights on the ground (especially women’s rights). While the HRD framework continues to prioritise a robust, masculine perception of human rights defenders as public actors, women will continue to struggle to be seen, to be heard and to be recognised in its discourse.

Bibliography

Abu-Lughod, L. (2002). "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others", *American Anthropologist* 104 (3): 783-790.

(2013). *Do Muslim Women Really Need Saving?* Boston, MA: Harvard University Press.

Ackerly, B.A. and Okin S.M. (1999). "Feminist social criticism and the international movement for women's rights as human rights" in I. Shapiro and C. Hacker-Cordón (eds.) *Democracy's Edges*. Cambridge: Cambridge University Press.

Agence France Press. (2013). *UN women's rights resolution passed despite backlash*. Available at: <http://www.rappler.com/world/specials/44820-un-womens-rights-resolution-passed-despite-backlash> [last accessed 1 June 2015].

Banks, N., and Hulme, D. (2012). "The role of NGOs and civil society in development and poverty reduction", *BWPI Working Paper 171* Manchester: The Brooks World Poverty Institute.

Bantkeas, I. and Oette, L. (2013). *International human rights law and practice*, Cambridge: Cambridge University Press.

Barcia, I. (2011). *Urgent Responses for WHRDs at Risk: Mapping and Preliminary Assessment*, Association for Women's Rights in Development (AWID) and the Women Human Rights Defenders International Coalition (WHRD IC). Available at: https://www.awid.org/sites/default/files/atoms/files/whrd_urgent_responses_eng.pdf [Last accessed 24 July 2017].

(2014). *Our right to safety: women human rights defenders' wholistic approach to protection*. Association for Women's Rights in Development (AWID) and the Women Human Rights Defenders International Coalition (WHRD IC). Available at: https://www.awid.org/sites/default/files/atoms/files/Our%20Right%20To%20Safety_FINAL.pdf [Last accessed 24 July 2017].

Bhabha, H. (1994). "Chapter 4: The Location of Culture" in *Of mimicry and man: The ambivalence of colonial discourse*, New York: Routledge.

Boddy, C. (2005). "A rose by any other name may smell as sweet but "group discussion" is not another name for "focus group" nor should it be", *Qualitative Market Research: An International Journal* 8: 248-255.

Brems, E. (1997). "Enemies or Allies - Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse", *Human Rights Quarterly* 19(1): 136-164.

Bryman, A. (2001). "Interviewing in Qualitative Research" in: A. Bryman (ed.) *Social Research Methods*, United Kingdom: Oxford University Press.

- Bunch, C. (1990). "Women's Rights as Human Rights: Toward a Re-vision of Human Rights," *Human Rights Quarterly* 12: 486-498.
- (2001). "Women's Human Rights: The Challenges of Global Feminism and Diversity" in M. DeKoven (ed.) *Feminist Locations: Global and Local, Theory and Practice*, New Jersey: Rutgers University Press.
- (2006). "Introducing the International Campaign on Women Human Rights Defenders" in M.J. Real and M. Chai (eds.) *Resource Book on the International Consultation of Women Human Rights Defenders*, Chiang Mai: APWLD.
- Bunch, C. and Reilly, N. (1994). *Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights*, New York: UNIFEM.
- Buss, D. (2004). "The Christian Right, Globalisation and the 'Natural Family'", in M. Teterault and R. Denmark (eds.) *Gods, Guns and Globalisation: Religious Radicalism and International Political Economy*, Boulder: Lynne Rienner.
- Butler, J. (1988). "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory", *Theatre Journal* 40(4): 519-531.
- (1990). *Gender Trouble: feminism and the subversion of identity*, London and New York: Routledge.
- (1993). *Bodies that Matter*, London and New York: Routledge.
- (2009). *Performativity, Precarity and Sexual Politics*, Lecture given at Universidad Complutense de Madrid.
- (2015). *Vulnerability and Resistance Re-visited*, Lecture given at Trinity College Dublin.
- Butterfield, J.E. (2012). *Gendering 'universal' human rights: international women's activism, gender politics and the early cold war, 1928-1952*. PhD. Iowa: University of Iowa. Available at: <http://ir.uiowa.edu/etd/2187/> [last accessed 26 July 2017].
- Charlesworth, H. and Chinkin, C. (1993). "Gender of Jus Cogens", *Human Rights Quarterly* 15(1): 63-76.
- (2000). *The boundaries of international law: a feminist analysis*, Manchester: Manchester University Press.
- Cheah, P. and Grosz, E. (1998). "The Future of Sexual Difference: An Interview with Judith Butler and Drucilla Cornell", *Diacritics* (28)1: 19-42. Available at: <http://muse.jhu.edu/journals/diacritics/v028/28.1butler.html> [Accessed 5 July 2017].
- Chinkin, C., Wright, S. and Charlesworth, H. (2005). "Feminist approaches to international law: reflections from another century", in D. Buss and A. Manji (eds) *International Law: Modern Feminist Approaches*, Oxford: Hart Publishing.

- Clark, A. (2001). *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms*, Princeton: Princeton University Press.
- Clifford, B. (2011). *The International Struggle for New Human Rights*, Pennsylvania: University of Pennsylvania Press.
- Collins, P.H. (2000). *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, (2nd ed.) New York and London: Routledge.
- Coomaraswamy, R. (1996). "Reinventing International Law: Women's Rights as Human Rights in the International Community", *Commonwealth Law Bulletin* 23(3-4): 1249-1262.
- Copelon, R. (2003). "International Human Rights Dimensions of Intimate Violence: Another Strand in the Dialectic Feminist Law Making", *Journal of Gender, Social Policy and the Law* 11(3): 865-876.
- (1999). "The Indivisible Framework of International Human Rights: A Source of Social Justice in the U.S.", *City University of New York Law Review* 3 (1): 59-80.
- Cook, R. (1995). "International Human Rights and Women's Reproductive Health" in J. Peters and A. Wolper (eds.) *Women's Rights Human Rights, International Feminist Perspectives*, New York, London: Routledge.
- Council of Europe. (2017). "Human Rights Defenders", *European Commissioner for Human Rights*, Available at: <https://www.coe.int/en/web/commissioner/human-rights-defenders> [last accessed 28 August 2017].
- Crenshaw, K. (1991). "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color", *Stanford Law Review* 43(6): 1241-1299.
- Daes, E. (1982). *The Individual's Duties to the Community and the Limitations on Human Rights Freedoms Under Article 29 of the Universal Declaration of Human Rights: A Contribution to the Freedom of the Individual Under Law*, United Nations Publications: New York.
- DePaw, M. (2013). "Women's rights: from bad to worse? Assessing the evolution of incompatible reservations to the CEDAW Convention", *Utrecht Journal of International and European Law* 29(77): 51-65.
- DeVault, M.L. and Gross, G. (2007). "Feminist Interviewing: Experience, Talk and Knowledge" in S. Hess-Biber (ed.) *Handbook of Feminist Research: Theory and Praxis*, London: Sage Publications.
- Dill, B.T. (2009). *Emerging Intersections: Race, Class, and Gender in Theory, Policy, and Practice*, New Brunswick: Rutgers University Press.
- Donnelly, J. (2007). "The relative universality of human rights", *Human Rights Quarterly* 29(2): 291-306.

- (1990). "Human Rights and Western Liberalism" in A. An-Na'im and F.M. Deng (eds.) *Human Rights in Africa: Cross-Cultural Perspectives*, Washington DC: Brookings Institute.
- Douzinas, C. (2002). "The end of human rights", *Melbourne University Law Review* 26: 445-465.
- Edwards, A. (2011). *Violence Against Women under International Human Rights Law*, Cambridge: Cambridge University Press.
- Eide, A. and Rosas, A. (2008). "Economic, Social and Cultural Rights: A Universal Challenge" in A. Eide, C. Krause, A. Rosas (eds.) *Economic, Social and Cultural Rights: A Textbook* (2nd edition), The Hague: Kluwer Law International.
- Eide, A. (2006). "Economic, Social and Cultural Rights as Human Rights" in R. Claude and B. Weston (eds.) *Human Rights in the World Community, Issues in Action* (3rd edition), Philadelphia: University of Pennsylvania Press.
- Fairchild, M. (2017). "David and Goliath - Bible Story Summary Learn to Face Your Giants With the Story of David and Goliath", in *ThoughtCo*, Available at <https://www.thoughtco.com/david-and-goliath-700211> [last accessed 7 July 2017].
- Fernando, N. (2006). "Women's rights, human rights and the right to development" in M.J. Real and M. Chai (eds.) *Resource Book on the International Consultation of Women Human Rights Defenders*, Chiang Mai: APWLD.
- Fineman, M.A. (2008) "The Vulnerable Subject: Anchoring Equality in the Human Condition", *Yale Journal of Law & Feminism* 20(1): 1-24.
- (2010) "The Vulnerable Subject and the Responsive State", *Emory Law Journal* 60: 251-257.
- Flax, J. (1987). "Postmodernism and Gender Relations in Feminist Theory," *Signs* 12(4): 621-643.
- Formby, E. (2011). "Lesbian and Bisexual Women's Human Rights, Sexual Rights and Sexual Citizenship: Negotiating Sexual Health in England", *Culture, Health & Sexuality* 13(10): 1165-79.
- Fraser, N. (1990). "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy", *Social Text* 25/26: 56-80.
- Fraser, N. and Nicholson, L. (1990). "Social criticism without philosophy: an encounter between feminism and postmodernism" in L.J. Nicholson (ed.) *Feminism/Postmodernism*, London: Routledge.
- Friedman, E. (1995). "Women's human rights: the emergence of a movement", in J. Peters and A. Wolper (eds.) *Women's Rights Human Rights: International Feminist Perspectives*, New York and London: Routledge.

- (2003). "Gendering the Agenda: the Impact of Transnational Women's Rights Movement at the UN Conferences of the 1990s", *Women's Studies International Forum* 26 (4): 313–32.
- Gaer, F. (1995). "Reality check: human rights nongovernmental organisations confront governments at the United Nations", *Third World Quarterly* 16(3): 389-404.
- Gannon, S. and Davis, B. (2007). "Postmodern, post-structuralist and critical theories," in S. Hess-Biber (ed.) *Handbook of Feminist Research: Theory and Praxis*, London: Sage Publications.
- Gilmore, E. (2011). *Tánaiste's Address to Front Line's sixth Dublin Platform for Human Rights Defenders*, Department of Foreign Affairs and Trade (DFA), Available at: <https://www.dfa.ie/news-and-media/speeches/speeches-archive/2011/september/platform-for-human-rights-defenders/> [last accessed 8 August 2017].
- Gilson, E. (2014). *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice*, New York: Routledge.
- Glynos, J. et al. (2009). "Discourse Analysis: Varieties and Methods", *ESRC National Centre for Research Methods Review*, Available at: http://eprints.ncrm.ac.uk/796/1/discourse_analysis_NCRM_014.pdf [last accessed 7 July 2017].
- Grant, J. (1993). *Fundamental Feminism: Contesting the Core Concepts of Feminist Theory*, New York: Routledge.
- Grear, A. and Fineman, M.A. (2014). *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics*, New York and London, Routledge.
- Grewal, I. (2005). *Transnational America: Feminisms, Diasporas, Neoliberalisms*, Durham: Duke University Press.
- Grosz, E. (1994). *Volatile Bodies: Toward a Corporeal Feminism*, Bloomington: Indiana University Press.
- Guggenheim, M. (1979). "The Implementation of Human Rights by the UN Commission on the Status of Women: A brief comment", *Texas International Law Journal* 12: 239-249.
- Gutter, J. (2006). *Thematic Procedures of the United Nations Commission on Human Rights and International Law*, Antwerpen: Intersentia.
- Halberstam, J. (1998). *Female Masculinity*, London: Duke University Press.
- Haraway, D. (2004). "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective." in S.G. Harding (ed.) *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, New York and London: Routledge.

- Harding, S. (1991). *Whose Science? Whose Knowledge? Thinking from Women's Lives*, Ithaca: Cornell University Press.
- (ed.) (2004). *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, New York and London: Routledge.
- Hartsock, N. (1983). *Money, Sex and Power: Toward a Feminist Historical Materialism*, New York: Longman.
- (1990). "Foucault on Power: A Theory for Women?" in L. Nicholson (ed.) *Feminism/Postmodernism*, New York: Routledge.
- (2004). "Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism" in S.G. Harding (ed.) *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, New York and London: Routledge.
- Haufner-Burton, E. (2008). "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem", *International Organization* 62: 689-716.
- Henkin, L. (1990). *The Age of Rights*, New York: Columbia University Press.
- Hess-Biber, S.N. (ed.) (2007). *Handbook of Feminist Research: Theory and Praxis*, London: Sage Publications.
- Hirshmann, N. (2004). "Feminist standpoint as postmodern theory", in S.G. Harding (ed.) *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, New York and London: Routledge.
- Hodgson, D. (ed.) (2011). *Gender and Culture at the Limit of Rights*, Philadelphia: University of Pennsylvania Press.
- Ignatieff, M. (2001). *Human Rights as Politics and Idolatry*, Princeton: Princeton University Press.
- Irigaray, L. (1985a). *This Sex Which Is Not One*, C. Porter and C. Burke (trans.) Ithaca and New York: Cornell University Press.
- (1985b). *Speculum of the Other Woman*, G.C. Gill (trans.) Ithaca and New York: Cornell University Press.
- Jagger, A. (1983). *Feminist Politics and Human Nature*, Totowa: Rowman & Allanheld.
- (2004). "Living with Contradictions: Controversies in Feminist Social Ethics", in S.G. Harding (ed.) *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, New York and London: Routledge.
- (2005). "Arenas of citizenship: Civil society, state and the global order", *International Feminist Journal of Politics* 7(1): 3-25.

- Joachim, J. (2003). "Framing Issues and Seizing Opportunities: The UN, NGOs, and Women's Rights", *International Studies Quarterly* 47: 247–274.
- Joseph, S. and McBeth, A. (eds.) (2010). *Research Handbook on International Human Rights Law*, Cheltenham: Edward Edgar Publishing.
- Joseph, S. and Kyriakakis, J. (2010). "The United Nations and Human Rights" in S. Joseph and A. McBeth (eds.) *Research Handbook on International Human Rights Law*, Cheltenham UK: Edward Edgar Publishing.
- Kabeer, N. (2014). "Violence against Women as 'Relational' Vulnerability: Engendering the Sustainable Human Development Agenda", *UNDP Human Development Report Office*, Available at: http://hdr.undp.org/sites/default/files/kabeer_hdr14.pdf [last accessed 7 July 2017].
- Kawar, M. (2004). "Gender and Migration: Why are Women more Vulnerable?", *International Labour Organization (ILO)* Available at: http://graduateinstitute.ch/files/live/sites/iheid/files/sites/genre/shared/Genre_docs/2865_Actes2004/10-m.kawar.pdf [last accessed 7 July 2017].
- Keck, M.E. and Sikkink, K. (1998). *Activists beyond Borders: Advocacy Networks in International Politics*, Ithaca: Cornell University Press.
- Kennedy, D. (2002). "The international human rights movement: part of the problem", *Harvard Human Rights Journal* 15: 101-125.
- Korey, W. (1998). *NGOs and the Universal Declaration on Human Rights: "A Curious Grapevine"*, New York: St. Martin's Press.
- Leavy, P.L. (2007) "The feminist practice of content analysis" in S. Hess-Biber and P.L. Leavy (eds.) *Feminist Research Practice*, London: Sage Publications: 223- 248.
- Lebovic J.H. and Vooeten, E. (2006). "The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNCHR", *International Studies Quarterly* 50: 861–888.
- Levitt, P. and Merry, S.E. (2011). "Making Women's Human Rights in the Vernacular: Navigating the Culture/Rights Divide" in D. Hodgson (ed.) *Gender and Culture at the Limit of Rights*, Pennsylvania: University of Pennsylvania Press.
- Lloyd, M. (2005). *Beyond Identity Politics: Feminism, Power and Politics*, London: Sage Publications.
- (1999). "Performativity, Parody, Politics", *Theory, Culture & Society* 16(2): 195-213.
- Loos, A. (2002). "Symbolic, real, imaginary", *University of Chicago*, Available at: <http://csmt.uchicago.edu/glossary2004/symbolicrealimaginary.htm> [last accessed 7 July 2017].

- MacKinnon, C. (1982). "Feminism, Marxism, Method and the State: An Agenda for Theory", *Signs* 7: 515 - 534.
- (2005). *Women's lives, men's laws*, Cambridge: Belknap Press of Harvard University.
- Mahmood, S. (2016). *Religious Difference in a Secular Age: A Minority Report*, Princeton: Princeton University Press.
- Martin, A. (2000). *Luce Irigaray and the Question of the Divine*, London: Maney Publishing.
- McCann, C. and Kim, S. (eds.) (2013). *Feminist Theory Reader: Local and Global Perspectives* (3rd edition), New York and London: Routledge.
- Merry, S.E. (2003). "Human Rights Law and the Demonization of Culture", *Political and Legal Anthropology Review*, 26(1): 55-76.
- Minsky, R. (ed.) (1996). *Psychoanalysis and Gender: An Introductory Reader*, London: Routledge.
- Moghadam V. (2005). *Globalizing Women: Transnational Feminist Networks*, Baltimore: Johns Hopkins University Press.
- Mohanty, C. (2003). "'Under Western Eyes' Revisited: Feminist Solidarity through Anticapitalist Struggle" in C. McCann and S. Kim (eds.) *The Feminist Theory Reader: Local and Global Perspectives* (3rd edition), New York: Routledge.
- (2013). "Transnational Feminist Crossings: On Neoliberalism and Radical Critique", *Signs* 38(4): 967-991.
- Mutua, M. (2008). "Human Rights in Africa: The limited promise of liberalism", *African Studies Review* 15(1): 17 - 39.
- (2001). "Savages, Victims, and Saviors: The Metaphor of Human Rights", *Harvard International Law Journal* 42: 201-45.
- Mustaniemi-Laakso, M. et al. (2016). *The protection of vulnerable individuals in the context of EU policies on border checks, asylum and immigration*, Council of Europe Frame Project, Available at: <http://www.fp7-frame.eu/wp-content/uploads/2016/08/Deliverable-11.3.pdf> [last accessed 7 July 2017].
- Nah, A.M. et. al. (2013). "A research agenda for the protection of human rights defenders", *Journal of Human Rights Practice* 5(3): 401-420.
- Narayan, U. (2004). "The project of feminist epistemologies: perspectives from a non-western feminist" in C. McCann and S. Kim (eds.) *The Feminist Theory Reader: Local and Global Perspectives* (3rd edition), New York: Routledge.
- Nash, K. (2015). *The political sociology of human rights*, Cambridge: Cambridge University Press.

- Nebehay, S. and Miles, T. (2014). "U.N.'s Pillay suggests Snowden should not face trial", *Reuters World News*, Available at: <http://www.reuters.com/article/us-usa-security-un-idUSKBN0FL1PB20140716> [Last Accessed 5 July 2017].
- Ní Aoláin, F. (2015). "Feminism facing international law", *European Journal of Women's Studies* 22(4): 457-462.
- Okin, S. M. (1998). "Gender, the Public, and the Private" in A. Phillips (ed.) *Feminism and Politics*, Oxford: Oxford University Press.
- Orentlicher, D. F. (2001). "Relativism and Religion" in M. Ignateif (ed.) *Human Rights and Idolatry*, Princeton: Princeton University Press.
- Otto, D. (2010). "Power and Danger: Feminist Engagement with International Law through the UN Security Council", *Australian Feminist Law Journal*, 32(1): 97-121.
- (2005). "Disconcerting 'Masculinities': Reinventing the Gendered Subject(s) of International Human Rights Law" in D. Buss and A. Manji (eds) *International Law: Modern Feminist Approaches*, Oxford: Hart Publishing.
- Pare, M. (2003). "Why Have Street Children Disappeared? The Role of International Human Rights Law in Protecting Vulnerable Groups", *International Journal of Children's Rights* 11: 1-32.
- Parekh, B. (2008). *A New Politics of Identity: Political Principles for an Interdependent World*, Palgrave Macmillan: Hampshire.
- Petchesky, R. P. (1995). "From Population Control to Reproductive Rights: Feminist Fault Lines", *Reproductive Health Matters* 3: 152-161.
- Phillips, A. (1999). "Who Needs Civil Society? A Feminist Perspective", *Dissent Winter*: 56-61.
- Ping, X. (1995). "Irigaray's Mimicry and the Problem of Essentialism", *Hypathia* 10(4): 76-89.
- Pilchner, J. and Whelehan, I. (2004). *50 Key Concepts in Gender Studies*, London: Sage Publications.
- Posner, M. and Whittome, C. (1993). "The Status of Human Rights NGOs", *Columbian Human Rights Law Review* 25: 268-290.
- Quintana, M. and Fernández, E. (2014). "Protection of Human Rights Defenders: Best Practices and Lessons Learned (Part 1)", *Legislation, National Policies and Defenders' Units*, Brussels: Protection International.
- Rao, A. (1995). "The politics of gender and culture in international human rights discourse", in J. Peters and A. Wolper (eds.) *Women's Rights Human Rights, International Feminist Perspectives*, New York, London: Routledge.

- Real, M.J. and Chai, M. (2006). *Resource Book on the International Consultation of Women Human Rights Defenders*, Chiang Mai: APWLD.
- Real, M.J. (2011). "Defending Women, Defending Rights: Transnational Organizing in a Culture of Human Rights" in D. Hodgson (ed.) *Gender and Culture at the Limit of Rights*, Pennsylvania: University of Pennsylvania Press.
- Reilly, N. (2013). *The Framing of Vulnerability in the Evolving Common European Asylum System* [unpublished] NUI Galway.
- (2011). "Doing transnational feminism, transforming human rights: the emancipatory possibilities revisited", *Irish Journal of Sociology* 19(2): 60-76.
- (2009). *Women's Human Rights: Seeking Gender Justice in a Globalising Age*, London: Polity Press.
- Reisigl, M. and Wodak, R. (2009). "The discourse-historical approach (DHA)" in R. Wodak and M. Meyer (eds) *Methods for Critical Discourse Analysis* (2nd edition), London: Sage.
- Resnik, J. (2011). *Comparative (in)equalities: CEDAW, the jurisdiction of gender, and the heterogeneity of transnational law production*, New York: Oxford University Press.
- Salih, S. (2004). "Introduction" in S. Salih and J. Butler (eds.) *The Judith Butler Reader*, Oxford: Blackwell.
- Scully, P. (2009). "Vulnerable women, a critical reflection on human rights discourse and sexual violence", *Emory International Law Review* 23: 113-123.
- Sen, A. (1999). *Development as Freedom*, Oxford: Oxford University Press.
- Sheill, K. (2009). "Losing out in the intersections: Lesbians, human rights, law and activism", *Contemporary Politics* 15(1): 55-71.
- Smith, D. (2004). "Women's Perspective as a Radical Critique of Sociology" in S.G. Harding (ed.) *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, New York and London: Routledge.
- Spelman, E. (1998). *Inessential Woman: Problems of Exclusion in Feminist Thought*, Boston: Beacon Press.
- Spiro, P. (2010). "NGOs and Human Rights: channels of power" in S. Joseph and A. McBeth (eds.) *Research Handbook on International Human Rights Law*, Cheltenham UK: Edward Edgar Publishing.
- Spivak, G. (1988). "Subaltern Studies, Deconstructing Historiography" in D. Landry and G. Maclean (eds.) *The Spivak Reader*, New York and London: Routledge.
- (1994). "Can the Subaltern Speak?" in P. Williams and L. Chrisman (eds.) *Colonial Discourse/Post-Colonial Theory: A Reader*, New York: Columbia University Press.

- Stinson, J. (2004). "Why Privatization is a Women's Issue", *Canadian Woman Studies Journal* 23(3): 128-22.
- Strohal, C. (1999). "The Development of the International Human Rights System by the United Nations" in F. Cede and L. Sucharipa-Behrmann (eds.) *The United Nations: Law and Practice*, The Hague: Kluwer Law International.
- Tinker, I. (1999). "Non-governmental organizations: an alternative power-base for women?" in M. Meyer and E. Prügl (eds.) *Gender Politics in Global Governance*, Lanham: Rowman & Littlefield.
- Tolley, H. (1983). "Decision-Making at the United Nations Commission on Human Rights, 1979-82", *Human Rights Quarterly* 5(1): 27-57.
- Tolmay, S. and Viana, M. (2013). "First Resolution on Protecting Women Human Rights Defenders Adopted at the UN Amid Strong Conservative Opposition to Already Agreed Rights", *AWID*, Available at: <https://www.awid.org/news-and-analysis/first-resolution-protecting-women-human-rights-defenders-adopted-un-amid-strong> [last accessed 7 July 2017].
- Tong, R. (2015). *Feminist Thought A More Comprehensive Introduction* (4th edition), Boulder: Westview Press.
- US Department of State. (2017). "U.S. Support for Human Rights Defenders, A Factsheet", *Bureau of Democracy, Human Rights and Labor*, Available at: <https://www.state.gov/j/drl/rls/fs/2017/266903.htm> [last accessed 29 August 2017].
- Weedon, C. (1997). *Feminist practice and poststructuralist theory*, Oxford: Blackwell.
- Wheeler, R. (1999). "The United Nations Commission on Human Rights, 1982-1997: A Study of "Targeted" Resolutions", *Canadian Journal of Political Science / Revue canadienne de science politique* 32(1): 75-101.
- Whitford, M. (1989). "Rereading Irigaray" in T. Brennan (ed.) *Between Feminism and Psychoanalysis*, London and New York: Routledge.
- (1991). *Luce Irigaray: Philosophy in the feminine*, London: Routledge.
- Wiseberg, L. (1991). "Protecting Human Rights Activists and NGOs: What More Can Be Done?", *Human Rights Quarterly* 13: 525-544.
- Wisberg, L. and Scoble, H. (1977). "The International League for Human Rights: the strategy of a human rights NGO", *Georgia Journal of International and Comparative Law* 7: 289-314.
- Wodak, R. (2014). "Critical discourse analysis" in *The Routledge companion to English studies*, London: Routledge.
- Yavinsky, R. W. (2012). "Women More Vulnerable Than Men to Climate Change", *Population Reference Bureau, USA*, Available at:

<http://www.prb.org/Publications/Articles/2012/women-vulnerable-climate-change.aspx> [last accessed 5 July 2017].

International News Articles on HRDs

Blitzer, J. (2016). "The death of Berta Cáceres" in *The New Yorker*, Available at: <http://www.newyorker.com/news/news-desk/the-death-of-berta-caceres> [last accessed 7 July 2017].

Dooley, B. (2016). "Letter from jailed Bahrain Activist Nabeel Rajab to US Congress Lantos Commission" in *the Huffington Post*, Available at: http://www.huffingtonpost.com/brian-dooley/letter-from-jailed-bahrai_b_12693226.html [last accessed 7 July 2017].

Jacobs, A. and Buckley, C. (2015). "China Targeting Rights Lawyers in a Crackdown" in *The New York Times*, Available at: <https://www.nytimes.com/2015/07/23/world/asia/china-crackdown-human-rights-lawyers.html> [last accessed 7 July 2017].

Khomani, N. (2016). "Bahrain's allies in EU and UK urged to speak out after activist reimprisoned" in *The Guardian*, Available at: <https://www.theguardian.com/world/2016/dec/28/bahraini-activist-nabeel-rajab-freed-bail-after-months-detention> [last accessed 7 July 2017].

Mosbergen, D. (2016). "Berta Cáceres, Honduran Human Rights Defender, Murdered In Her Home" in *The Huffington Post*, Available at: http://www.huffingtonpost.com/entry/berta-caceres-killed-honduras_us_56d926e0e4b0ffe6f8e8e9d6 [last accessed 7 July 2017].

Pearse, F. (2017). "Honduras, where defending nature is a deadly business" *The Guardian*, Available at: <https://www.theguardian.com/environment/2017/mar/22/honduras-berta-caceres-activism-defending-nature-deadly-business> [last accessed 7 July 2017].

Rajab, N. (2016). "Letter from a Bahraini jail" in *The New York Times*, Available at: <https://www.nytimes.com/2016/09/05/opinion/letter-from-a-bahraini-jail.html> [last accessed 7 July 2017].

Tatlow, K.D. (2014). "Activist's Death Questioned as U.N. Considers Chinese Rights Report" in *The New York Times*, Available at: <https://sinosphere.blogs.nytimes.com/2014/03/19/activists-death-questioned-as-u-n-considers-chinese-rights-report/> [last accessed 7 July 2017].

Official International NGO Websites

Amnesty International. (2017a). "Who we are" Available at: <https://www.amnesty.org/en/who-we-are/> [last accessed 5 July 2017].

(2017b). "Human rights defenders" Available at: <https://www.amnesty.ie/human-rights-defenders/> [last accessed 8 August 2017].

(2017c). "Human rights defenders: shrinking space for civil society" Available at: <https://www.amnesty.ie/human-rights-defenders-threat-shrinking-space-civil-society/> [last accessed 21 August 2017].

FIDH. (2017). "Human Rights Defenders" Available at: <https://www.fidh.org/en/issues/human-rights-defenders/> [last accessed 8 August 2017].

Front Line Defenders. (2017). "Strategic Plan" Available at: <https://www.frontlinedefenders.org/en/strategic-plan> [last accessed 5 July 2017].

(2016). "Fighting While Female: Gendered Attacks on Women Human Rights Defenders" Available at: <https://www.frontlinedefenders.org/en/statement-report/fighting-while-female-gendered-attacks-women-human-rights-defenders> [last accessed 8 August 2017].

(2015). "Protect one, empower a thousand" (Video) Available at: <https://www.youtube.com/watch?v=2foDKJZ2gQk> [last accessed 10 August 2017].

ISHR (International Service for Human Rights). (2013). *UN adopts landmark resolution on Protecting Women Human Rights Defenders*. Available at: <http://www.ishr.ch/news/un-adopts-landmark-resolution-protecting-women-human-rights-defenders> [last accessed 8 July 2017].

(2017a). "International Service for Human Rights (homepage)". Available at: <http://www.ishr.ch/> [last accessed 8 August 2017].

(2017b). "LGBT Rights". Available at: <http://www.ishr.ch/news/lgbt-rights> [last accessed 29 August 2017]/

Women Human Rights Defenders International Coalition (WHRD IC). 2017. Available at: <http://www.defendingwomen-defendingrights.org/> [last accessed 6 July 2017].

UN Documents

Official UN Websites

OHCHR (Office of the High Commissioner of Human Rights). (2008). "Human Rights Defenders Take the Floor" Available at:
<http://www.ohchr.org/EN/NewsEvents/Pages/BrusselsUDHR60.aspx> [last accessed 10 August 2017].

(2017a). "Civil Society" United Nations. Available at:
<http://www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx> [last accessed 4 January 2017].

(2017b). "Special Procedures". Available at:
http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM [last accessed 5 July 2017].

(2017c). "Women human rights defenders". Available at:
<http://donatenow.ohchr.org/womensrights/> [last accessed 21 July 2017].

(2017d). "Civil society" Available at:
<http://www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx> [last accessed 11 August 2017].

(2017e). "Sexual and reproductive health and rights" Available at:
<http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/HealthRights.aspx> [last accessed 28 August 2017].

UN Women. (2017). General recommendations made by the Committee on the Elimination of Discrimination against Women (CEDAW). Available at:
<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> [last accessed 7 July].

UN Documents (Declarations, Reports and POAs)

Beijing Declaration and Platform For Action (1995). UN Doc: A/Con.177/20/95. Available at:
http://beijing20.unwomen.org/~media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf [last accessed 7 July 2017].

CEDAW (Convention on the Elimination of All Forms of Discrimination against Women). (1979). General Assembly Resolution: 34/180.

CEDAW (Committee on the Elimination of Discrimination against Women). (1998). Report on its eighteenth and nineteenth sessions. (1998) UN Doc. A/53/38/Rev.1.

(2006). Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women. (10 April 2006). UN Doc: CEDAW/SP/2006/2.

(2017). General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19. (17 July 2017). UN Doc: CEDAW/C/GC/35.

Cairo Programme of Action of the International Conference on Population Development 20th Anniversary Edition (2014). United Nations Population Fund, Available at: http://www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf [last accessed 7 July 2017].

International Covenant on Civil and Political Rights (ICCPR). (2011). Human Rights Committee, General comment No. 34. (12 September 2011). UN Doc: CCPR/C/GC/34.

Vienna Declaration and Programme of Action (1993). UN General Assembly UN Doc: A/CONF.157/23, Available at: <http://www.refworld.org/docid/3ae6b39ec.html> [accessed 6 July 2017].

Reports of the UN Commission for Human Rights

UNCHR (UN Commission for Human Rights). (1947). Report of the Sub-Committee on the Handling of Communications: Commission on Human Rights (2 June 1947) UN Doc: E/CN.4/14/REV.2.

(1982) Report on the thirty-eighth Session (1 January 1982) UN Doc: E/CN.4/1982/12(SUPP):(57, 148 -149) and Corrigendum (23 April 1982) UN Doc: E/CN.4/1982/30/CORR.1.

(1986). Report of the first session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (13 March 1986) UN Doc: E/CN.4/1986/40.

(1987). Report of the second session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (9 March 1987) UN Doc: E/CN.4/1987/38.

(1988). Report of the third session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (8 March 1988) UN Doc: E/CN.4/1988/26.

- (1989). Report of the fourth session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (27 February 1989) UN Doc: E/CN.4/1989/45.
- (1990). Report of the fifth session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1 March 1990) UN Doc: E/CN.4/1990/47.
- (1991). Report of the sixth session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (4 March 1991) UN Doc: E/CN.4/1991/57.
- (1992). Report of the seventh session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (27 February 1992) UN Doc: E/CN.4/1992/53.
- (1993). Report of the eighth session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (8 March 1993) UN Doc: E/CN.4/1993/64.
- (1994). Report of the ninth session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (4 March 1994) UN Doc: E/CN.4/1994/81.
- (1995). Report of the tenth session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (6 March 1995) UN Doc: E/CN.4/1995/93.
- (1996). Report of the eleventh session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (29 March 1996) UN Doc: E/CN.4/1996/97.
- (1997). Report of the twelfth session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (25 March 1997) UN Doc: E/CN.4/1997/92.

(1998). Report of the thirteenth session of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (29 March 1998) UN Doc: E/CN.4/1998/98.

(1998b). Report on the fifty-fourth Session (7 September 1998) UN Doc: E/CN.4/1998/SR.29.

(2002). Second Report by Special Representative Hina Jilani (27 February 2002) UN Doc: E/CN.4/2002/106.

(2003). Third Report by Special Representative Hina Jilani (3 January 2003) UN Doc: E/CN.4/2003/104.

(2004). Fourth Report by Special Representative Hina Jilani (15 January 2004) UN Doc: E/CN.4/2004/94.

(2005). Fifth Report by Special Representative Hina Jilani (13 December 2004) UN Doc: E/CN.4/2005/101.

(2006). Sixth Report by Special Representative Hina Jilani (23 January 2006) UN Doc: E/CN.4/2006/95.

(2006b). Addendum to the Sixth Report by Special Representative Hina Jilani (22 March 2006) UN Doc: E/CN.4/2006/95/Add.1.

Reports of the UN Human Rights Council

HRC (Human Rights Council). (2007). Seventh Report by Special Representative Hina Jilani (24 January 2007) UN Doc: A/HRC/4/37.

(2008). Eighth Report by Special Representative Hina Jilani (31 January 2008) UN Doc: A/HRC/7/28.

HRC. (2008b). Resolution 7/8 of the Human Rights Council (27 March 2008). UN Doc: A/HRC/RES/7/8.

(2009a). First Report by Special Rapporteur Margaret Sekaggya (12 February 2009) UN Doc: A/HRC/10/12.

(2009b). Second Report by Special Rapporteur Margaret Sekaggya (30 December 2009) UN Doc: A/HRC/13/22.

(2010). Third Report by Special Rapporteur Margaret Sekaggya (20 December 2010) UN Doc: A/HRC/16/44.

(2011a). Third Report Addendum by Special Rapporteur Margaret Sekaggya (7 March 2011) UN Doc: A/HRC/16/44/Add.3.

- (2011b). Fourth Report by Special Rapporteur Margaret Sekaggya (21 December 2011) UN Doc: A/HRC/19/55.
- (2013a). Fifth Report by Special Rapporteur Margaret Sekaggya (16 January 2013) UN Doc: A/HRC/22/47.
- (2013b). Sixth Report by Special Rapporteur Margaret Sekaggya (23 December 2013) UN Doc: A/HRC/25/55.
- (2014). First Report by Special Rapporteur Michel Forst (29 December 2014) UN Doc: A/HRC/28/63.
- (2015). Second report by Special Rapporteur Michel Forst (30 July 2015) UN Doc: A/HRC/28/63
- (2016). Third report by Special Rapporteur Michel Forst (1 February 2016) UN Doc: A/71/281
- (2017a). Fourth report by Special Rapporteur Michel Forst (23 January 2017) UN Doc: A/HRC/34/52
- (2017b). Addendum to Fourth report by Special Rapporteur Michel Forst (20 February 2017) UN Doc: A/HRC/34/52/Add.1

Declarations, Reports and Resolutions of the UN General Assembly:

- UNGA (UN General Assembly). (1998a). *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms: protecting women human rights defenders*. (8 March 1999) UN Doc: A/RES/53/144
- (1998b). *Letter dated 18 November 1998 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly* (18 November 1998) UN Doc: A/53/679. E/CN.4/2001/94.
- (2001). First Report by Special Representative Hina Jilani (10 September 2001) UN Doc: A/56/241.
- (2002). Second Report by Special Representative Hina Jilani (2 July 2002) UN Doc: A/57/182.
- (2008). First Report by Special Rapporteur Margaret Sekaggya (14 August 2008) UN Doc: A/63/288.
- (2010). Report to the GA, of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya (4 August 2010) UN Doc: A/65/223.

(2013a) *Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms*: Report of the 3rd Committee: General Assembly 68th Session. (18 December 2013) UN Doc: A/68/456/ADD.2.

(2013b). Third Committee of the UN General Assembly, *Agenda item 69 (b)* (4 November 2013) UN Doc: A/C.3/68/L.64.

(2013c). Third Committee of the UN General Assembly, *Agenda item 69 (b)* (21 November 2013) UN Doc: A/C.3/68/L.64/Rev.1

(2013d). Third Committee of the UN General Assembly, *Agenda item 69 (b)* (25 November 2013) UN Doc: A/C.3/68/L. 80 - L.91.

(2014). *Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders*. (18 December 2013) UN Doc: A/RES/68/181.

(2015). *Human rights defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (Resolution adopted: 17 December 2015). UN Doc: A/RES/70/161.

(2016). Report by Special Rapporteur Michel Forst (3 August 2016) UN Doc: A/71/281.

Publications from the UN Office of the High Commissioner for Human Rights:

OHCHR (Office of the High Commissioner for Human Rights). (2011). *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. Available at: <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf> [last accessed 5 July 2017].

(2004). *Fact Sheet No. 29, Human Rights Defenders: Protecting the Right to Defender Human Rights*. Available at: <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf> [last accessed 5 July 2017].

Appendices

Appendix A: Individual Country Contexts of Project Participants

Here, I introduce each of the 11 women I interviewed along with a brief, descriptive account of their local domestic contexts – in particular current commentary/critique of the country’s human rights record. I base the personal descriptions of each woman’s human rights activities from her own words as presented in her questionnaire and our conversation. To protect anonymity, I use pseudonyms and offer basic and vague details about each woman’s organisational affiliations. For the country descriptions, I used respected and up to date international sources: Reports from the United Nations’ Office of the High Commissioner for Human Rights (OHCHR), country reports from the Universal Periodic Review (UPR), the US State Department, the CIA World Factbook and the 2016/2017 world reports from Human Rights Watch (HRW) and Amnesty International (AI). I provide the sources used directly following each synopsis.

1. Sandy, Uganda

Sandy works with a human rights organisation associated with the East Horn of Africa Human Rights Defenders Network (EHAHRD-Net) to monitor and report on the situation of LGBTI persons in Uganda. She has been an LGBTI activist for over 12 years.

Uganda is a constitutional republic, led since 1986 by President Yoweri Museveni of the National Resistance Movement (NRM) party. There are several questions concerning the transparency of Ugandan election processes, where there are reports of corruption and intimidation of political opponents of the NRM. The most serious human rights problems in Uganda include: a lack of respect for individual bodily integrity (such as unlawful killings, torture, arbitrary detention, and abuses of suspects and detainees); restrictions on civil liberties (such as freedoms of press, expression, assembly, association, and political participation); and violence and discrimination against women, children, persons with disabilities, and in particular members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community. The activities of same-sex couples remain criminalised under Uganda’s colonial-era law, which prohibits “carnal knowledge” among people of the same sex. Uganda has been criticised for implementing quite strict legislation preventing the operation and registration of NGOs,

particularly those working on LGBTI issues. In the report on Uganda's UPR, states expressed concern about the persistence of patriarchal attitudes and deep-rooted gender-based stereotypes in Uganda.

HRC. (2016). *Report of the Working Group on the Universal Periodic Review: Uganda* (27 December 2016) UN Doc: A/HRC/34/10.

Human Rights Watch. (2017). *World Report 2017: Uganda*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/uganda> [last accessed 8 September 2017].

US Department of State. (2016). *Uganda 2016 Human Rights Report*, Bureau of Democracy, Human Rights and Labor Available at: <https://www.state.gov/documents/organization/265526.pdf> [last accessed 8 September 2017].

2. Yasmineen, Bahrain

Since 2010, Yasmineen has worked for a human rights NGO in Bahrain. She focuses on advocacy, networking as well as issues related to women and children's rights. She has extensive experience engaging with international human rights mechanism.

Bahrain is a constitutional monarchy, and King Hamad Bin Isa al-Khalifa serves as the current head of state. Since 2011 (influenced by the activities of the so-called "Arab Spring") Bahrain has undergone a sustained period of internal conflict, with mass protests and constant public demands for political reform. Social and political tensions are commonplace between the Shia and Sunni Muslim populations. The ruling elites in Bahrain are predominately Sunni, and frequent reports of societal discrimination against Shia often are not taken seriously by police or armed forces. The most egregious human rights problems in Bahrain include: limitations on citizens' ability to choose their government peacefully and restrictions on free expression, assembly, and association. HRW and AI report that state authorities are known to use extensive methods of torture and all types of violence against protesters and political prisoners, with the majority of detainees alleging abuse being Shia. In 2016 the government dissolved *al-Wifaq*, the main group of political opposition, while imposing travel bans on political activists to prohibit them from participating in international events. There is currently a ban on all public gatherings in the capital city, Manama. At Bahrain's UPR Review in 2017, countries applauded Bahrain for passing new legislation to combat torture.

Amnesty International. (2017). "Bahrain" in *Amnesty International Report 2016/17: the state of the world's human rights*, pp. 77-80, Available at: https://www.amnesty.ie/wp-content/uploads/2017/02/air201617-english_2017-02-08_11-21-28-advance-final.pdf [last accessed 8 September 2017].

HRC. (2017). *Report of the Working Group on the Universal Periodic Review: Bahrain*, (10 July 2017) UN Doc: A/HRC/36/3.

Human Rights Watch. (2017). *World Report 2017: Bahrain*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/bahrain> [last accessed 8 September 2017].

US Department of State. (2016). *Bahrain 2016 Human Rights Report*, Bureau of Democracy, Human Rights and Labor Available at: <https://www.state.gov/documents/organization/265704.pdf> [last accessed 8 September 2017].

3. Veronika, Russia

Veronika is a human rights lawyer, active on issues pertaining to civil and political rights, specifically working on cases concerning the right to freedom of assembly and expression. She has been active in her field for over 15 years, with previous experience including working for the Russian chapter of Amnesty International.

The Russian Federation has a highly centralised political system led by President Vladimir Putin. The bicameral Federal Assembly consists of a directly elected lower house (State Duma) and an appointed upper house (Federation Council), both of which lack independence from the President's office. A prominent human rights issue in Russia concerns the intimidation and harassment of political opponents. According to HRW, the authoritarian government restricts the rights to freedom of expression, association, and assembly. Additional human rights violations include the notorious anti-LGTBI propaganda law. This law was international news when it was approved by the State Duma in June 2013, prohibiting the spreading of "propaganda" concerning non-traditional sexual relations to minors. In terms of foreign policy, the Russian government continues to play a controversial role in the on-going conflicts in Syria and Ukraine, supporting the Assad regime and rebel fighters in Crimea both known to commit egregious human rights abuses. There are also well-documented cases of abuses and religious tensions in the North Caucasus perpetrated by government forces, insurgents, Islamist militants, and criminals. Additionally in 2016 the Parliament adopted new domestic legislation that expanded the power of law enforcement and security agencies, including enhancing police powers to control online forums. The Russian government has also been criticised for highly restrictive legislation that

classifies certain human rights NGOs who receive international aid as “foreign agents”, further suppressing the civil society sector.

Amnesty International. (2017). “Russian Federation” in *Amnesty International Report 2016/17: the state of the world’s human rights*, pp. 305-309, Available at: https://www.amnesty.ie/wp-content/uploads/2017/02/air201617-english_2017-02-08_11-21-28-advance-final.pdf [last accessed 8 September 2017].

CIA. (2017). *The World Factbook: Russia*, Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html> [last accessed 3 September 2017].

Human Rights Watch. (2017). *World Report 2017: Russia*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/russia> [last accessed 3 September 2017].

4. Hannah, Kenya

Hannah has been active as a human rights lawyer for 23 years. She currently works on issues concerning the rights of indigenous people, particularly related to the control of land and natural resources in Eastern Kenya.

Kenya is a republic with three branches of government, an executive (led since 2003 by President Uhuru Muigai Kenyatta), a judiciary and a legislative branch. In 2010 a new constitution was adopted, dispersing fiscal and administrative authority from the central government to 47 county governments (selected in 2013). The 2010 constitution also set up an independent judiciary and Supreme Court. Despite these recent political forms, corruption is rife in Kenya. According to the Kenyan Ethics and Anti-Corruption Commission (EACC), nearly 30% of the country’s GDP is being lost annually to corruption. Other well-documented human rights issues in Kenya include: security force abuses, unlawful killings, forced disappearances, and impunity for crimes committed by security forces. Concerning the rights of women, international treaty bodies (including the CEDAW Committee) have expressed specific concern regarding women’s access to reproductive health services. In 2005, the Human Rights Committee, the monitoring body for the International Covenant on Civil and Political Rights, expressed concern over systemic discrimination against women in Kenyan law and practice. Such abuses are seen particular in the practice of polygamy, in the claiming of property rights and discriminatory laws of succession or inheritance. In 2009, the Special Rapporteur on violence against women stated that failure to ensure equal property rights upon separation or divorce discouraged women from leaving violent marriages. A March 2017 report from HRW also critiqued the lack of “restorative

justice” to those hundreds of women and children who survived attacks of sexual violence during a period of political strife in 2007 and 2008 (Odhiambo 2017).

HRC. (2010). *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1: Kenya*. (16 February 2010). UN Doc: A/HRC/WG.6/8/KEN/2.

Obhiambo, A. (2017). “Kenya: Hope for Survivors of Political Violence”, *Human Rights Watch*, Available at: <https://www.hrw.org/news/2017/03/07/kenya-hope-survivors-political-violence> [last accessed 10 August 2017].

UN Human Rights Committee. (2005). *UN Human Rights Committee: Concluding Observations: Kenya*, (29 April 2005) UN Doc: CCPR/CO/83/KEN.

5. Sophia, Malaysia

Sophia is a human rights lawyer in Malaysia, working for a prominent legal NGO that provides urgent arrest services and legal advice to those who are seen as opposing the government. Her work concerns the protection of civil liberties and prosecuting extrajudicial killings.

Malaysia is a federal constitutional monarchy, one of the few countries in the world to elect its monarch. The king (since 2016, Muhammad V of Kelantan) is the head of state with a five year term, acting largely in a ceremonial capacity. Malaysia has a parliamentary system of government led by a prime minister (since 2009, Najib Razak). The primary human rights issues in Malaysia according to AI, HRW and the US State Department include government restrictions on freedoms of speech and expression (in particular those critical of the Razak’s government); restrictions on the press and media; restrictions on the right to peaceful assembly and association; unlawful deaths during police custody; laws allowing arbitrary detention without trial; and the systemic use of torture, include incidences of “caning” as a form of punishment under both criminal and “Sharia” (Islamic law) courts. In 2016 a prominent Malaysian NGO publically released testimonies from 8 political prisoners, giving detailed accounts of the extent of police violence and brutality in Malaysian state prisons. Other local groups have expressed concern over the rights of migrant workers and refugees, violence and discrimination against women, and discrimination against lesbian, gay, bisexual, transgender, and intersex persons. During Malaysia’s UPR in 2013, the United Nations Country Team, Malaysia (UNCT) reported particular concern over a rise in political entanglements with conservative Islamic principles. The “push for one official view of Islam, supported by the use of punitive measures and the use of both sharia and civil

laws to silence differences of opinion...encourages intolerance in interactions between and within ethnic communities” (UNCT as quoted by OHCHR 2013, 8). Malaysia will face its next UPR in 2018.

Amnesty International. (2017) “Malaysia” in *Amnesty International Report 2016/17: the state of the world’s human rights*, pp. 241-243, Available at: https://www.amnesty.ie/wp-content/uploads/2017/02/air201617-english_2017-02-08_11-21-28-advance-final.pdf [last accessed 3 September 2017].

Human Rights Watch. (2017). *World Report 2017: Malaysia*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/malaysia> [last accessed 3 September 2017].

OHCHR. (2013). “UNCT Malaysia - United Nations Country Team (UNCT) Malaysia”, *Universal Periodic Review – Second Cycle – Malaysia, Reference Documents*, Available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMYUNContributionsS17.aspx#main> [last accessed 3 September 2017].

US Department of State. (2016). *Malaysia 2016 Human Rights Report*, Bureau of Democracy, Human Rights and Labor Available at: <https://www.state.gov/documents/organization/265562.pdf> [last accessed 3 September 2017].

6. Karina, Kyrgyzstan

Karina is a former University lecturer in political science and a current human rights advocate. She works for an Osh-based NGO that offers legal support to activists, while also advocating for civil and political rights and the rights of migrant workers and minorities. She has been active in the NGO sector since 2006.

Kyrgyzstan, or the Kyrgyz Republic, has a parliamentary form of government designed to limit presidential power and enhance the role of parliament and the prime minister. The most well-documented human rights issues in the country concern violations of fundamental procedural protections throughout the judicial process; the persecution of local NGOs, activists, and journalists; and attacks, threats, and systematic police-driven extortion of sexual and ethnic minority groups. Other human rights violations include widespread domestic violence, as well as forced marriages. A systemic lack of faith in the justice system as well as deep-rooted social norms and expectations prevent women from reporting attacks by their partners, and perpetrators rarely face trial. Reports to Kyrgyzstan’s 2015 UPR by the United Nations Country Team, Kyrgyzstan (UNCT) as well as the CEDAW Committee highlighted how systemic patriarchal ideologies concerning the central role of the traditional family unit restrict women’s opportunities in the public sphere and limit women’s economic rights. Human rights

groups also highlight the ill-treatment of political prisoners, including the use of torture and arbitrary detention, as well as a “foreign agents” legislation that prevents certain rights-based NGOs from operating in the country. The government authorities banned a HRW researcher from entry into Kyrgyzstan in 2015. In addition, human rights groups in Osh reported arrests and the unfairly targeting of ethnic minority groups, particularly Uzbeks for alleged “religious extremism activity” (US Department of State 2017).

Amnesty International. (2017). “Kyrgyzstan” in *Amnesty International Report 2016/17: the state of the world’s human rights*, pp. 241-243, Available at: https://www.amnesty.ie/wp-content/uploads/2017/02/air201617-english_2017-02-08_11-21-28-advance-final.pdf [last accessed 3 September 2017].

Human Rights Watch. (2017). *World Report 2017: Kyrgyzstan*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/kyrgyzstan> [last accessed 3 September 2017].

HRC. (2014). *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21*, (12 November 2014). UN Doc: A/HRC/WG.6/21/KGZ/2.

US Department of State. (2016). *Kyrgyz Republic 2016 Human Rights Report*, Bureau of Democracy, Human Rights and Labor Available at: <https://www.state.gov/documents/organization/265752.pdf> [last accessed 3 September 2017].

7. Nawal, Pakistan

A lawyer by training and a human rights activist and blogger, Nawal campaigns for online safety and internet access in Pakistan. She has been active in her work since 2012.

Pakistan is a federal republic. In May 2013 the Pakistan Muslim League-Nawaz (PML-N) party won a majority of seats in parliamentary elections, and Nawaz Sharif became prime minister for the third time. In the past decade Pakistan has regularly faced terrorist activity from non-state organisations such as the Taliban, located in the Balochistan, Sindh, Khyber Pakhtunkhwa (KP) provinces and in neighbouring countries. According to HRW, many journalists in Pakistan increasingly practice self-censorship, fearing retribution from Pakistani security forces and non-state militant groups. In 2016 the Pakistani government passed new “cybercrimes” legislation. The new laws were critiqued for “restricting freedom of expression and criminalising peaceful internet use” (HRW 2017). In addition, media outlets and journalists reported

threats of violence and intimidation from state authorities. In terms of women's rights, international human rights treaty bodies (CERD, CRC, CEDAW) regularly express concern at women's lack of equal rights under the law, and widespread reports of violence against women. According to AI, the Human Rights Commission of Pakistan recorded nearly "3,000 cases of violence against women and girls, including murder, rape and gang rape, sodomy, domestic violence and kidnappings" (AI 2017, 285) in 2016. Human rights groups also regularly report lack of health care as having a disproportionate effect on women, in particular poor women and women living in rural areas.

Amnesty International. (2017). "Pakistan" in *Amnesty International Report 2016/17: the state of the world's human rights*, pp. 283-287, Available at: https://www.amnesty.ie/wp-content/uploads/2017/02/air201617-english_2017-02-08_11-21-28-advance-final.pdf [last accessed 3 September 2017].

Human Rights Watch. (2017). *World Report 2017: Pakistan*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/pakistan> [last accessed 3 September 2017].

HRC. (2012). *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2*, (13 August 2012). UN Doc: A/HRC/WG.6/14/PAK/2.

8. Talia, Sudan

Talia has been active in the field of human rights advocacy for over 27 years. She currently works as a project manager in the area of governance and human rights. Her previous human rights work focused on violence against women, civil and political rights, and personal and security training for human rights activists.

Sudan is a republic, with President Omar Hassan al-Bashir and the National Congress Party (NCP) having nearly complete control over the government for over 27 years. International organisations call Sudan's human rights record "abysmal" (HRW), and President al-Bashir faces two international arrest warrants from the International Criminal Court (ICC) on charges of genocide, war crimes and crimes against humanity. According to the US Department of State, election processes in Sudan are ramshackle, rife with fraud and corruption, and Sudanese citizens are not able to democratically elect their representatives. The country has an on-going history of conflict between northern economic, political, and social domination of largely non-Muslim, non-Arab southern Sudanese population, resulting in South Sudan's independence in 2011. Conflict between the government and non-state groups has continued since

independence, resulting in lack of economic development and a massive displacement of persons in both the North and South. In 2016, the government launched a military campaign against the Sudan Liberation Army-Abdul Wahid (SLA/AW) in the Jebel Marra area of Darfur. The result was a high number of civilian casualties, with reports of government-led attacks against citizens in more than 50 villages in order to draw out the oppositional forces. These attacks reportedly included: killing and beating of civilians; sexual and gender-based violence; forced displacement; looting and burning entire villages; destroying food stores and other infrastructure necessary for sustaining life; and attacks on humanitarian targets, including humanitarian facilities and peacekeepers. The UN Office of the High Commissioner for Human Rights is represented in the Sudan by two peacekeeping missions: the United Nations Mission in Sudan (UNMIS) and the African Union-United Nations Hybrid Operation in Darfur (UNAMID). In 2010, UNMIS noted the dire situation of economic, social and cultural rights in the country, where in many places access to basic services such as water and sanitation remains a long-term goal. The 2009-2012 United Nations Development Assistance Framework (UNDAF) also estimated that poverty rates remain extremely high (close to 90%) in many parts of the country (HRC 2011, 11).

Amnesty International. (2017). "Sudan" in *Amnesty International Report 2016/17: the state of the world's human rights*, pp. 342-345, Available at: https://www.amnesty.ie/wp-content/uploads/2017/02/air201617-english_2017-02-08_11-21-28-advance-final.pdf [last accessed 3 September 2017].

Human Rights Watch. (2017). *World Report 2017: Sudan*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/sudan> [last accessed 3 September 2017].

US Department of State. (2016). *Sudan 2016 Human Rights Report*, Bureau of Democracy, Human Rights and Labor Available at: <https://www.state.gov/documents/organization/265518.pdf> [last accessed 3 September 2017].

HRC. (2011). *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2*, (24 February 2011). UN Doc: A/HRC/WG.6/11/SDN/2.

9. Myra, India – working on women’s rights to civil and political participation

Myra works for a women’s rights NGO based in northeast India, advocating for a full range of women’s human rights as well as documenting rights abuses during armed conflict. She has worked in this sector for over 20 years.

India is a multiparty, federal, parliamentary democracy with a bicameral parliament. The president, elected by an electoral college, is the head of state, and the prime minister is the head of the government. Under the constitution, the 29 states and 7 union territories have a high degree of autonomy, with primary responsibility for law and order. At India's UPR in 2012, one or more human rights mechanisms raised particular concern about violence against women and girls, with particular concern for women in conflict areas (Jammu and Kashmir, the northeast, Jharkhand, and Chhattisgarh) as well as tribal and rural women. In recent years, high profile cases of rape and sexual violence in India have made international headlines, including the gang rape of a young woman in New Delhi in December 2012 (Nirbhaya case). India is critiqued as having deep-rooted social and cultural attitudes towards women as second-class citizens. In terms of social mores, India's caste system is among the world's oldest forms of social division. According to AI, more than 45,000 crimes against members of lower castes were reported in 2015. There are on-going reports of the lowest social class, the Dalits, being denied entry into public and social spaces in certain Indian states, facing discrimination in the ability to access public services. According to the US Secretary of State, other human rights violations in India include police and security force abuses, such as extrajudicial killings, torture, rape of prisoners by state authorities and corruption in certain institutions of governance.

Amnesty International. (2017). "India" in *Amnesty International Report 2016/17: the state of the world's human rights*, pp. 183-187, Available at: https://www.amnesty.ie/wp-content/uploads/2017/02/air201617-english_2017-02-08_11-21-28-advance-final.pdf [last accessed 3 September 2017].

HRC. (2012). *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, (11 April 2012). UN Doc: A/HRC/WG.6/13/IND/2.

US Department of State. (2016). *India 2016 Human Rights Report*, Bureau of Democracy, Human Rights and Labor Available at: <https://www.state.gov/documents/organization/265748.pdf> [last accessed 3 September 2017].

10. Hope, Zimbabwe

Hope is a human rights lawyer, working in public interest litigation and lobbying. She has been active in her role as a human rights advocate for over 10 years.

Zimbabwe is constitutionally a republic. President Robert Gabriel Mugabe and the Zimbabwe African National Union-Patriotic Front (ZANU-PF) party have controlled the

government since the country's official independence from the United Kingdom in 1980. There are reports of the government targeting members of non-ZANU-PF parties and civil society activists for speaking out against Mugabe and his regime and rigging elections in order to maintain in power. Journalists, political opponents and other activists/ NGO workers face abduction, arrest, torture, abuse, and harassment as a result of their activities. Restrictions on freedom of speech, right to peaceful assembly and freedom of expression are commonplace. Hundreds of anti-government protesters were arrested during a series of public demonstrations in July 2016. The protestors reported severe torture and mal-treatment in detention centres. In addition, while the majority of Zimbabwe's laws reflect a commitment to legal equality amongst men and women, strict patriarchal social norms restrict the realisation of women's rights in practice. This is demonstrated by the prevalence of customary property inheritance practices that prevent women from owning land. The UK Department for International Development's 2011 Gender and Social Exclusion Analysis Report indicated women in Zimbabwe experience "extensive economic discrimination...in access to employment, credit, pay, and owning or managing businesses" (US Department of State 2017). Many international UN treaty bodies have expressed concern on issues concerning sexual violence in Zimbabwe, specifically in terms of prevailing social stigmas against spousal rape. Also, the UN Committee on the Rights of the Child expressed extreme concern about the high levels or reports concerning sexual violence experienced by adolescent girls as well as early pregnancy and child marriage. The LGBTI community has also been criticised publically by President Mugabe and ZANU-PF party leaders, rejecting the promotion of LGBTI rights as contrary to the country's values, norms, traditions, and beliefs.

Amnesty International. (2017). "Zimbabwe" in *Amnesty International Report 2016/17: the state of the world's human rights*, pp. 405-408, Available at: https://www.amnesty.ie/wp-content/uploads/2017/02/air201617-english_2017-02-08_11-21-28-advance-final.pdf [last accessed 3 September 2017].

Human Rights Watch. (2017). *World Report 2017: Zimbabwe*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/zimbabwe> [last accessed 3 September 2017].

US Department of State. (2016). *Zimbabwe 2016 Human Rights Report*, Bureau of Democracy, Human Rights and Labor Available at: <https://www.state.gov/documents/organization/265530.pdf> [last accessed 3 September 2017].

11. Deena, Egypt

Deena works for the realisation of women's legal rights in Egypt, both in terms of domestic law and also customary and "Sharia" legal systems. She works with both urban and rural/tribal women. She has been active in these activities since 1994.

According to its 2014 constitution, Egypt is a republic governed by an elected president and unicameral legislature. Since 2010 and the ousting of former President Hosni Mubarak, Egypt has been in a state of political turmoil. Abdel Fattah el Sisi has been President since May 2014, and Egypt elected a new legislature in December 2015. According to HRW, Egypt has one of the most restrictive civil society spaces in the world, with severe government crackdown on any political dissent. In 2016, the Parliament proposed a new law to regulate NGOs and "effectively end independent human rights work in the country" (HRW 2017). In addition, state authorities ordered travel bans and asset freezes against prominent human rights organisations, as well as targeting individual executive directors. There a number of reports of torture and violence against persons in detention, as well as the enforced disappearances of activists. Military trials are often used to unfairly prosecute and detain civilians, and in April 2016 one local human rights group alleged that military courts had tried at least 7,420 civilians, including at least 86 children, since the issuance of a 2014 decree ordering the military to "assist" police in securing "vital public facilities" (US Secretary of State 2017). There are severe restrictions of Egyptian citizen's abilities to exercise their civil and political rights, including societal and government restrictions on freedoms of expression and the media, as well as on the freedoms of assembly and association. Egyptian women also face extensive discrimination in terms of economic rights. Both the CEDAW and CESCR Committees CEDAW made recommendations to Egypt concerning the equal opportunities for women in the labour market.

HRC. (2014). *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, (18 August 2014). UN Doc: A/HRC/WG.6/20/EGY/2.

HRC. (2014). *Report of the Working Group on the Universal Periodic Review Egypt*, (24 December 2014) UN Doc: A/HRC/28/16.

Human Rights Watch. (2017). *World Report 2017: Egypt*, Available at: <https://www.hrw.org/world-report/2017/country-chapters/egypt> [last accessed 3 September 2017].

US Department of State. (2016). *Egypt 2016 Human Rights Report*, Bureau of Democracy, Human Rights and Labor Available at: <https://www.state.gov/documents/organization/265706.pdf> [last accessed 8 September 2017].

Appendix B: Regional mechanisms for Human Rights Defenders

Following initiatives of the United Nations, the establishment of regional institutions dedicated exclusively to the situation of human rights defenders testifies to the growth of the HRD paradigm since 1998. This final section highlights these new mechanisms in regional human rights bodies in Latin America and the Caribbean, Africa and Europe.

Latin America and the Caribbean

The first and perhaps most well-established regional institution concerning the situation of human rights defenders is under the mandate of the Organisation of American States⁷⁵ in Latin America and the Caribbean (henceforth OAS). The OAS General Assembly has adopted annual resolutions⁷⁶ on human rights defenders since 1999, and has incorporated a related mechanism regarding defenders under the mandate of its primary human rights body, the Inter-American Commission on Human Rights (IACHR). With its 2001 Resolution (AG/RES.1818), the OAS General Assembly requested that the IACHR created a unit to monitor the situation of defenders in its member states. This led to the formation of the *IACHR Human Rights Defenders Unit*, which reports on the situation of those identified as human rights defenders in the region, and liaises with NGOs and governmental agencies on behalf of these individuals and groups. Traditionally the IACHR has incorporated a system of rapporteurships⁷⁷, and the position of IACHR Executive Secretariat on human rights defenders in Latin America is one of those thematic mandates. In addition, the Inter-American Court on Human Rights (IACtHR), the principal judiciary body of the Inter-American system, makes reference to “human rights defenders” in several of its rulings, frequently citing the unique responsibility and role of states to protect defenders in their work. One such decision is that of the case of Gilson Nogueira de Carvalho, a Brazilian lawyer who was murdered (presumably by state agents) in 2006. In the written records of the decision, the IACtHR stated the following:

⁷⁵ Established in 1948 by virtue of the OAS Charter, originally 21 member states (currently 35). Adopted the American Declaration on the Rights of Man in 1948, and established its first institutional human rights mechanism, the Inter-American Commission on Human Rights (IACHR) in 1959. Other significant mechanisms include: the American Convention on Human Rights (ACHR) in 1969 along with its protocol on Economic, Social and Cultural Rights (1988) and the Inter-American Court on Human Rights (IACtHR) established in 1979.

⁷⁶ List of first ten years of OAS Resolutions on human rights defenders: AG/RES.2412 (2008), AG/RES.2280 (2007), AG/RES.2177 (2006), AG/RES.2067 (2005), AG/RES.2036 (2004), AG/RES.1920 (2003), AG/RES.1842 (2002), AG/RES.1818 (2001), AG/RES.1711 (2000), AG/RES.1671 (1999) (Quintana and Fernández 2014).

⁷⁷ List of thematic mandates of the IACHR: Freedom of expression, rights of women, rights of migrant workers and their families, rights of the child, rights of human rights defenders, rights of indigenous peoples, rights of persons deprived of liberty, rights of Afro-descendants and against racial discrimination.

The Court considers that threats and attacks against the integrity and lives of human rights defenders and the impunity of the perpetrators are all the more serious since the impact is not only individual but collective. This is because society is prevented from knowing the truth about whether people's rights in a given state are being respected or violated.

(IACtHR 2006 decision *Nogueira de Carvalho and others versus Brazil*, as quoted in Quintana and Fernández 2014, 7)

The Court's decision clearly reflects the mainstream rhetoric on HRDs and the perceived necessity and urgency of their work to promote and protect human rights principles in practice.

The Inter-American System remains one of the most active regional mechanisms concerning the structural recognition of HRDs, and its activities have been imitated by other regional human rights institutions. In addition to the regional OAS system, Colombia, Mexico, Guatemala, Brazil, and Peru have all developed national legislation designed to assist/recognise human rights defenders (Quintana and Fernández 2014). However, these domestic frameworks have been widely criticised as paying "lip-service" to their mandates and not actually assisting HRDs in the field.

Africa

The African Charter on Human and Peoples' Rights was adopted in 1981 and became the principal human rights mechanism of the Organisation of African Unity (OAU), the predecessor of the African Union (AU)⁷⁸. The OAU issued the Kigali Declaration in 2003, which stresses "the important role that the human rights defenders play in the promotion and protection of human rights in Africa" (Kigali Declaration 2003). In the following year, the principle human rights mechanism of the OAU, the African Commission on Human Rights, adopted its first *Resolution on the Protection of African Human Rights Defenders* and established the position of Special Rapporteur for Human Rights Defenders in Africa. The Commission continually adopts annual resolutions⁷⁹

⁷⁸ The Organization of African Unity (AOU) was established in 1963, and was replaced by the African Union (AU) in 2002. Members of the AU include all African States with the exception of Morocco. Unlike the AOU, the AU mentions human rights and democratic principles as one of its primary objectives, and makes exception to the principle of 'non-interference' (Bantekas and Oette 2013).

⁷⁹ List of Resolutions from the ACHPR addressing defenders (from Quintana and Fernández 2014):
 ACHPR /Res.69(XXXV)04: Resolution on the protection of human rights defenders in Africa
 ACHPR(XXXI)06: Resolution on the situation of human rights defenders in Africa
 ACHPR /Res.119 (XXXII)07: Resolution on the situation of human rights defenders in Africa
 ACHPR/Res.54(XXIX)01: Resolution on the situation of human rights defenders in Tunisia
 ACHPR /Res.134(XXXIII)08: Resolution on the situation of human rights defenders in the Republic of Gambia

promoting the rights of human rights defenders in certain countries, and the “HRD” framework is strengthened in the region with the activities of the Special Rapporteur. In May 2009, the Kampala Plan of Action (KAPA) was launched, following the Pan-African Conference on Human Rights Defenders in Kampala. The Plan of Action helped facilitate new mechanisms at the regional level for recognising defenders, as well as leading to the creation of national institutions on the subject. Such national institutions developed in the domestic legislatures of the Democratic Republic of the Congo (DRC) and Kenya (Bantekas and Oette 2013, Quintana and Fernández 2014).

Europe

The Council of Europe, the European Union (EU) and various procedures of the Organisation for Security and Cooperation in Europe (OSCE) all have supported mechanisms for human rights defenders. In the Council of Europe, the situation of defenders is addressed in the mandate of the European Commissioner on Human Rights⁸⁰. In 2008, the Council introduced the *Council of Europe Declaration on Human Rights Defenders*. This Declaration, under the mandate of the Commissioner, strengthened the commitment of the Council of Europe to the procedures related to human rights defenders, including reinforcing cooperation with other regional human rights mechanisms and the United Nations.

In 2004, the EU published the *European Union Guidelines on Human Rights Defenders*, featuring recommendations to states on the practical ways of supporting and protecting defenders, including allowing EU embassies in non-EU countries to potentially become a resource of protection for those recognised as defenders. This again highlights the belief that most “defenders” would be in countries outside of the West/Europe. These guidelines were revised in 2006 and 2008, taking into account various recommendations of the reports of the UN Special Rapporteur. In 2007, the OSCE⁸¹ created the Office for Democratic Institutions and Human Rights (ODIHR)

ACHPR/Res.139(XXXIII)08: Resolution on the situation of human rights defenders in the Democratic Republic of Congo

ACHPR /Res.132(XXXIII)08: Resolution on the upcoming elections in Zimbabwe

⁸⁰ “The Commissioner for Human Rights is an independent institution within the Council of Europe, mandated to promote the awareness of and respect for human rights in 47 Council of Europe member states,” (Bantekas and Oette 2013). The post was created in 1954 to receive individual cases prior to them being passed along to the European Court for human rights (ECtHR). The Commission was integral in developing the ECtHR as the main human rights mechanisms of Europe.

⁸¹ The Organisation for Security and Cooperation in Europe (OSCE) an intergovernmental body serving to represent security concerns in Europe by focusing on a range of economic, environmental, military, political and rights-based approaches.

headquartered in Warsaw. This office's main task is to monitor the status of individuals recognised as defenders in OSCE member countries. In addition, since 2007 the ODIHR has consistently issued reports on the situation of defenders, and in 2014 issued specific "Guidelines on the Protection of Human Rights Defenders". In addition, the development of national initiatives addressing "defenders" has been introduced in several European countries, including: Germany, Spain, Belgium, the Netherlands and Norway.

Latin American and the Caribbean, Africa and Europe have the strongest regional human rights mechanisms in terms of structure and support, and therefore it is unsurprising that they have taken on board several institutional initiatives to recognise defenders. While there is an Asian Human Rights Charter and the Association of South East Asian States (ASEAN), there is no specific mechanism addressing defenders in Asia (Quintana and Fernández 2014). Additionally, the region of the Middle East and North Africa does not have specific provisions. However, despite gaps in parts of the world, the regional mechanisms addressing defenders have grown exponentially since 1998, leading to a confirmed acknowledgment of the identity of "human rights defender" within the human rights community.

Bibliography

African Commission on Human and Peoples' Rights. (2017). *Special Rapporteur on Human Rights Defenders*, Available at: <http://www.achpr.org/mechanisms/human-rights-defenders/> [last accessed 8 September].

Bantkeas, I. and Oette, L. (2013). *International human rights law and practice*, Cambridge: Cambridge University Press.

Council of Europe. (2008). *Council of Europe Declaration on Human Rights Defenders*, Available at: <http://www.coe.int/de/web/commissioner/human-rights-defenders> [last accessed 8 September].

European Union. (2008). *EU Guidelines on Human Rights Defenders*, Available at: <https://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf> [last accessed 8 September 2017].

Organisation of American States. (2011). *Rapporteurship on human rights defenders*, Available at: <http://www.oas.org/en/iachr/defenders/default.asp> [last accessed 8 September 2017].

OSCE. (2014). *Guidelines on Human Rights Defenders*, Available at: <http://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders?download=true> [last accessed 8 September].

Quintana, M. and Fernández, E. (2014). "Protection of Human Rights Defenders: Best Practices and Lessons Learned (Part 1)", *Legislation, National Policies and Defenders' Units*, Brussels: Protection International.

Appendix C: Timeline Major Events in Progression of Human Rights

Defender Framework: 1982 – 2015

Year	Event	Significance
1982	Commission on Human Rights Decision 1982/30	The Commission requests the Secretary-General to present to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the elements for a draft body of principles on <i>the right and responsibilities of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms</i> .
1984	Commission on Human Rights Decision 1984/116	The Commission decides to establish an open-ended working group to draft a declaration on the Right And Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Human Rights And Fundamental Freedoms.
1986-1993	Annual meetings of the Working Group	The working group meets before and during sessions of the Commission held in 1986-1993, and was not able to complete the preparation of the proposed declaration.
1993-1998	Annual meetings of the Working Group where draft texts of the Declaration were reviewed	A first draft on the Declaration is proposed in 1993, but is unable to reach approval within the Working Group. A final draft is not agreed upon until the 1998 session.
1998	Declaration on the Right And Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Human Rights And Fundamental Freedoms	Known as the Declaration of Human Rights Defenders, is approved by the UN General Assembly on 10 December 1998, on the 50 th anniversary of the signing of the Universal Declaration on Human Rights
2000	The UNCHR establishes Special Rapporteur for the situation of Human Rights Defenders: UNCHR resolution 2000/61 *Mandate extended in: 2008 (HRC resolution 7/4) 2011 (HRC	The mandate on the situation of human rights defenders as a Special Procedure to support implementation of the 1998 Declaration on human rights defenders. Thematic Mandate to set up Special Rapporteur. Hina Jilani served as Special Representative of the Secretary General on the situation of human rights defenders (2000-2008).

	resolution 16/4) and 2014 (HRC resolution 25/2)	Margaret Sekaggya from 2008-2014 Michel Forst from 2014-onwards
2000*	Special Rapporteur Hina Jilani's first Annual Report	In her first report to the Commission, Hina Jilani identifies the work and efforts of "women human rights defenders", marking the first incidence of the term being used with the United Nations.
2004	Office of the High Commissioner of Human Rights publishes <i>Fact Sheet No. 29, Human Rights Defenders: Protecting the Right to Defend Human Rights</i>	Provides a rapid understanding of what a "human rights defender" is and what activities defenders undertake. It is also designed to support the right to defend human rights; to strengthen the protection of human rights defenders from any repercussions of their work; and to provide a tool for human rights defenders in conducting advocacy and training activities.
2010*	Human Rights Council Resolution on the Protection of Human Rights Defenders A/HRC/RES/13/13	The Human Rights Council passes a resolution regarding the protection of human rights defenders, and mentions the specific at-risk situation of women human rights defenders
2011*	Special Rapporteur Margaret Sekaggya's third Annual Report to the Human Rights Council A/HRC/16/44	Margaret Sekaggya's third report to the Human Rights Council is the first to focus exclusively on the situation of women human rights defenders, raising the necessity to address the specific and seriousness of the violations against them and the need for gender-specific mechanisms of protection.
2012*	UN General Assembly adopts 1 st resolution on HRDs A/RES/66/164	UN General Assembly passes first resolution on HRDs, entitled: Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
2013	UN General Assembly adopts the 2 nd resolution in HRDs, and first ever resolution on WHRDs A/RES/68/181	On November 27th, 2013, at the end of the United Nations General Assembly Third Committee the first ever resolution on women human rights defenders is adopted, urging States to put in place concrete mechanisms for the protection of women human rights defenders.
2015	UN General Assembly adopts 3 rd resolution in	UN General Assembly passes third resolution on HRDs, entitled: Human rights

	HRDs A/RES/70/161	defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
--	----------------------	---

* Specific to inclusion of women in the HRD discourses.

Appendix D: The reports of UN Special Rapporteur on the situation of human rights defenders

As noted throughout the thesis, the establishment of a “special mechanism” was integral in solidifying the identity of a “human rights defender” in international human rights discourse. The Special Rapporteur on the situation of human rights defenders (the Special Rapporteur), like other thematic mandates of the United Nations, presents at minimum two annual reports each year: one to the Human Rights Council (the HRC), formerly the Commission, and one to the UN General Assembly. The reports outline the primary activities conducted by the mandate holder the previous year as well as an overall description of the “global situation” of human rights defenders. In addition, reports from 2003 onwards include “addendums” that outline the individual cases taken up each year by the Rapporteur, and the communications sent to governments on behalf of HRDs in a specific state. Communications are sent in response to information and complaints received by the office of the Special Rapporteur concerning alleged rights violations of HRDs within the country. These communications are published in the addendums in three languages: French, Spanish and English. Since 2000, there have been three holders of the mandate: Hina Jilani (2000 – 2008), Margaret Sekaggya (2008 – 2014) and Michel Forst (2014 to present).

The reports of the UN Special Rapporteur vary based on the mandate holder and the priorities of the mandate holder during that year. The disperse and disaggregated nature of the information presented in the reports – for example, there is no succinct database for public viewing that breaks down the number and type of communications made by the mandate – made the reports difficult to sort through and analyse uniformly. Some reports offer a statistical breakdown of the years’ figures (how many communications concerned HRDs whose rights were violated in a certain way, how many HRDs working in a certain area of human rights and so on) but the majority do not. This is further complicated by the lack of translation of the cases presented in the addendums into English from Spanish and French (and vis-versa). I therefore drew my analysis from the rhetoric used in the introductions/thematic overview offered in the annual reports (written in English), revealing the dominant ideological themes in discussions on (W)HRDs.

I processed and referred to this set of reports repeatedly while conducting the research for this thesis. I first assessed the reports cumulatively in order to see how many times

cases of “women defenders” were taken up by the mandate. While each report after 2002 offers a statistical breakdown of “men” and “women” defenders, this is presented more clearly in some reports than others. For example, in Hina Jilani’s final report to the HRC in 2008, she presents charts that clearly show the breakdown of figures in terms of the number of defenders addressed by the mandate by region and gender. Such clear, concise displays of data are not uniformly offered in other reports. However, by comparing Jilani’s statistics in 2008 with those Michel Forst presents in 2017, I was able to deduce that since the establishment of the mandate, according to the reports, from 2001 – 2016 (with the exception of 2010) approximately 20% of the HRDs affected by a communication sent by the Special Rapporteur were “women” (HRC 2008; HRC 2017a).

In addition, not all reports discuss “women” in the framework in any great detail. Michel Forst in particular has mentioned “women” scarcely since 2014 (HRC 2014; HRC 2017a). To discern how gender “is working” in the HRD framework, I focused on those reports that did include specific mention the theme of “women defenders”, and the challenges faced in their work. I also targeted those reports from key years in the progression of the “women human rights defender” identity. I present these findings in the chart at the end of this Appendix. I consider specifically the reports from 2002 and 2006 (Hina Jilani); 2010 (Margaret Sekaggya); and 2017 (Michel Forst). 2002 marked the first use of the term “women human rights defender” in UN rhetoric. 2006 marked the year following a significant advancement in the framework: the yearlong international campaign on WHRDs and the 2005 International Consultation on WHRDs. The 2010 report is dedicated entirely to the theme of “women or gender defenders”. Finally, I chose Forst’s 2017 report as it discusses the major activities of the mandate from 2014-2017; the years of Forst’s mandate thus far as well as those following the 2013 UN Resolution on protecting women human rights defenders at risk. He also presents an overview of his priorities for the mandate in this report, and as such the lack of substantial reference to “women” in this report is telling.

According to Leavy, “many feminist researchers form textual analysis from a deconstruction perspective in which a text is analysed to see not only what there is but also what is missing, silenced or absent” (Leavy 2007, 228). When using the reports in the thesis, I draw out the dominant quotes from the reports that use language that coincide (or not) that of the women’s human rights movement of the 1990s. For example, while mention of women’s increased risk to “sexual violence” is consistent

(particularly from 2009 onwards) by mandate holders, the mention of women’s economic rights is infrequent.

I also chose to consider the scope and range of cases in the addendums. Oftentimes, UN Special Rapporteurs and independent experts will submit communications in conjunction with one another in response to alleged abuses taking place in certain states. The joint communications are highlighted in the addendum of the yearly report. I chose to pinpoint when the mandate sent joint communications with the UN Special Rapporteur on violence against women (VAW). This allowed me to have a better idea of the incidences when the mandate was taking direct action on a case regarding “violence” and a female HRD. I considered this in contrast with the rhetoric used to describe the risks WHRDs face according to the reports. It is also important to keep in mind that a single communication from the mandate usually deals with one individual, but does less frequently address several individuals or a whole organisation. In the following charts, I also include the breakdown of the number of communications sent the previous year, as well as the number sent with the Special Rapporteur on VAW. For example, notably, from 2014 – 2017 Michel Forst has not sent one joint communication with the Special Rapporteur on VAW, according to his reports (HRC 2014; 2015; 2016; 2017a). He also uses highly emotive language in his reports that reflects the mandate’s commitment to those HRDs working on civil and political rights and in battle with the monolithic state.

The following tables provide an overview of the most prevalent annual reports and statistics and the language used:

(1) Reports from 2002 and 2006: Hina Jilani

Year	UN Document numbers	Description in Reports (<i>excerpts</i>)
2002	A/57/182 (UNGA) E/CN.4/2002/106 (UNCHR)	“Women defenders may arouse more hostility than their male colleagues <i>because as women human rights defenders they may defy cultural, religious or social norms</i> about femininity and the <i>role of women</i> in a particular country or society. In this context, not only may they face human rights violations for their work as human rights defenders, but even more so because of their gender and the fact that <i>their work may run counter to societal stereotypes about women’s submissive nature</i> , or challenge notions of the society about the status of women. Secondly, it is not unlikely that the hostility, harassment and repression women defenders face may themselves take a gender-specific form, ranging from, for

		<p>example, verbal abuse directed exclusively at women because of their gender to sexual harassment and rape.” (UNCHR 2002, 21) (my emphasis)</p> <p>“Full and independent investigations of attacks against human rights defenders, including rape and harassment of women human rights defenders should be ensured, and those responsible should be brought to justice.” (UNGA 2002, 7)</p> <p><i>2001 Figures:</i> 161 communications Communications with the Special Rapporteur on VAW: 5 70 women out of 161 HRDs</p>
2006	<p>A/61/312 (UNGA) E/CN.4/2006/95 (UNCHR) E/CN.4/2006/95/Add.1 (UNCHR)</p>	<p>“Women defenders are more at risk to certain forms of violence and restrictions and become vulnerable to prejudice, to exclusion and to public repudiation, not only by States forces but <i>by social actors as well</i>, especially when engaged in the defence of women’s rights.” (UNCHR 2006, 6 – 7) (my emphasis)</p> <p><i>2005 Figures:</i> 310 communications Communications with Special Rapporteur on VAW: 25 124 women out of 799 HRDs</p>

(2) Reports from 2010: Margaret Sekaggya

Year	UN Document numbers	Description in Report(s)
2010	<p>A/65/223 (UNGA) A/HRC/16/44 (HRC) A/HRC/16/44/Add.1 (HRC, released 2011)</p>	<p>“In addition to being threatened and harassed by militias, warlords and other armed groups, women human rights defenders are, in addition, <i>often subjected to</i> rape and other forms of sexual violence because of their work.” (UNGA 2010, 12) (my emphasis)</p> <p>“Female human rights defenders are subject to particular risks to which their male counterparts are not so greatly exposed, foremost among these being the risk of rape, sexual abuse, and other forms of sexual violence and harassment. During the 2004 – 2009 period, the mandate sent 26 communications regarding cases of rape, threatened rape, or other forms of sexual violence and harassment against women defenders. However, of these, six communications concerned abuses of this kind against LGBT activists.” (HRC 16</p>

		<p>- 17, 2010)</p> <p>“Women defenders face a greater risk of being subject to sexual harassment, sexual violence and rape.” (HRC 2010, 20)</p> <p><i>2009 Figures:</i> 246 communications Communications with Special Rapporteur on VAW: 9</p> <p><i>2004 – 2009 Figures:</i> 2,131 Communications 734 “women defenders” (include women and men defenders of gender and LGBTI rights) out of 2,131 HRDs</p>
--	--	--

(3) Reports from 2017: Michel Forst

Year	UN Document numbers	Description in Report(s)
2017	<p>A/HRC/34/52 (HRC)</p> <p>A/HRC/34/52/Add.1 (HRC)</p>	<p>“The Special Rapporteur underlines several groups of defenders who face <i>heightened risks</i> as a result of their human rights work; these include but are not limited to <i>women human rights defenders, online and offline journalists, and human rights lawyers</i>. In the case of women human rights defenders, violations frequently relate to their gender, <i>have a sexualized character, and often include threats against their family members</i>.” (HRC 2017b, 100) (my emphasis)</p> <p>“<i>Women and LGBTI human rights defenders are particularly exposed to intimidation, harassment or physical threats...</i>” (HRC 2017b, 47)</p> <p><i>2016 figures:</i> Communications: 254 164 women out of 768 HRDs Communications with Special Rapporteur on VAW: 0</p> <p><i>2014 – 2016 figures:</i> Communications: 693 274 women out of 1,293 HRDs Communications with Special Rapporteur on VAW: 0</p>

Appendix E: Approval from NUI Galway Research Ethics Committee



4th June 2015

Dear Ms. Lajoie

Ref 15/May/08 **Challenging Assumptions of Vulnerability: The Influence of Gender in the Work, Lives and Identities of Women Human Rights Defenders**

I write to you regarding the above proposal which was submitted for Ethical review. Having reviewed your response to my letter, I am pleased to inform you that your proposal has been granted **APPROVAL**.

All NUI Galway Research Ethic Committee approval is given subject to the Principal Investigator submitting annual and final statements of compliance. The first statement is due on or before 30th January 2016. Please see section 7 of the REC's Standard Operating Procedures for further details which also includes other instances where you are required to report to the REC.

Yours Sincerely

Allyn Fives

Chair, Research Ethics Committee

ÓE Gaillimh,
Bothar na hOllscoile,
Gaillimh, Éire

NUI Galway,
University Road
Galway, Ireland

T: +353 91 495969
F: +353 91 494951
E: rss@nuigalway.ie

www.nuigalway.ie/research-support-services

Appendix F: One-on-one Interview Guide (Human Rights Defenders)

Questions are broad and open-ended, leaving plenty of space for the WHRD to express her views, organised by levels of subjective identity (personal, social-political, human).

Personal

Q1: What does 'being' a woman mean to you?

Follow-up: Does this change in different settings, different facets of your life?

Prompt: For example, at your home, your work, your community, your engagement with the international community?

Q2: What does 'acting' like a woman mean to you?

Prompt: Is this different than 'being'?

Follow-up: Does this change in different settings – are you 'acting like a woman' in your work?

Social/Political Identity:

Q3: I see from your questionnaire that you identified as a (.....). Can you elaborate on why this is?

Follow-up: (If identified as WHRD/HRD) What does being a 'defender' mean to you?

What, if any, is the difference between a WHRD and an HRD?

(If did not identify specifically as WHRD/HRD) Why do you not identify as a defender specifically?

Q4: What does it mean to you 'to be vulnerable'?

Follow-up: Would you describe yourself as 'vulnerable'? Why or why not?

Does your work as a defender make vulnerable? In what ways?

Q5: Is there a community of HRDs/WHRDs?

Follow-up: If yes, are you a member? What does this mean to you?

Human Identity:

Q6: What does 'human rights' mean to you?

Possible prompt: Are human rights universal?

What does this mean in practice?

Q7: What does 'women's human rights' mean to you?

Prompt: Does the meaning of 'women's human rights' differ from the 'women's rights'? What does the term 'women's human rights' mean that is not covered by term 'human rights'?

Appendix G: Dates of Interviews and Fieldwork Timeline

The following is a list of the dates and times of these first seven interviews with WHRDs (pseudonyms used).

1. Hope, Zimbabwe : 12pm (GMT) 13 October (via Skype)
2. Sandy, Uganda : 2pm (GMT) 16 October (via Skype)
3. Yasmeen, Bahrain : 1pm (GMT) 26 October (via Skype)*
4. Sophia, Malaysia : 4.30pm (GMT) 26 October (via Skype)
5. Hannah, Kenya : 3pm (GMT) 5 November (Dublin)
6. Nawal, Pakistan : 5pm (GMT) 6 November (Dublin)
7. Talia, Sudan : 12pm (GMT) 7 November (Dublin)

I also met with and carried out one-on-one interviews with two human rights experts during the Dublin Platform: Michel Forst, the current UN Special Rapporteur on the situation of human rights defenders and Mary Jane Real, the founding coordinator of the Women Human Rights Defender International Coalition (the Coalition). The following is a list of the dates and times of those two interviews.

- Michel Forst : 6pm (GMT) 6 November (Dublin)
- Mary Jane Real: 7.30pm (GMT) 6 November (Dublin)

The following is a list of names and times of my interviews in York (pseudonyms used).

8. Karina, Kyrgyzstan : 3.15pm (GMT) 26 November (York)
9. Myra, India : 4.30pm (GMT) 26 November (York)
10. Veronika, Russia : 12pm (GMT) 27 November (York)
11. Deena, India : 2pm (GMT) 27 November (York)
12. Group Discussion with Deena, Veronika and Myra : 3pm 37 November (York)

The following table is a summary of the period of the data collection:

13 questionnaires issued, 8 collected (with 2 opting out of interviews and 4 women not able to	11 one-on-one interviews with women defenders (4 via Skype, 7 in-person)	2 in-person interviews with human rights experts: Michel Forst (UN Special	1 Focus Group (York, UK) with 3 women participants
--	--	--	--

filling out the questionnaire prior to the interview)		Rapporteur) and Mary Jane Real (founding chairperson of the WHRD IC)	
---	--	--	--

The following field work timeline lists the primary activities of the field work from April 2015 – February 2016:

<u>Date/Date Range</u>	<u>Research Activity</u>
21 April 2015	Ethics Application sent to NUI Galway Research Ethics Committee
13 May 2015	First meeting with Front Line Defenders at their office in Dublin to discuss my project and the Dublin Platform
4 June 2015	Approval Received from NUI Galway Research Ethics Committee
31 August 2015	Second meeting with Front Line Defenders
11 September 2015	Skype conversation with Programme Coordinator at the CAHR, University of York to discuss my project and my visit to the Centre
21 September 2015	Front Line Defenders begins sending my project details to potential participants, this continues until the end of October 2015. If a woman is interested her email was sent to me, and I in turn contacted her with the questionnaire and request for an interview
13 October 2015	First Skype interview with Hope (Zimbabwe)
13-31 October	Three more Skype interviews conducted prior to the Dublin

2015	Platform: Sandy (Uganda), Yasmeen (Bahrain) and Sophia (Malaysia)
4-6 November 2015	The Dublin Platform. I interviewed two WHRDs: Hannah (Kenya) and Nawal (Pakistan) as well as two human rights experts: Michel Forst (UN Special Rapporteur) and Mary Jane Real (founding coordinator of the WHRD IC)
7 November 2015	Interview with Talia (Sudan), in her hotel in Dun Laoghaire. Talia stayed beyond the Platform for an additional Front Line Defenders event
25-28 November 2015	Travel to York, United Kingdom. Interviews with Veronika (Russia), Myra (India), Karina (Kyrgyzstan) and Deena (Egypt) women on the CAHR Protective Fellowship Scheme.
28 November 2015	Group discussion with Deena (Egypt), Myra (India) and Veronika (Russia)
December 2015 – February 2016	Period of intensive transcribing
9 February 2016	I emailed each woman a copy of their one-on-one interview transcripts (as well as the group discussion transcripts if applicable). The woman had until thesis completion (Spring 2017) to submit any changes to their transcripts. No woman has yet to take advantage of this opportunity.

Appendix H: Questionnaire for Human Rights Defenders



Project Title: Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders

Questionnaire for Human Rights Defenders

Thank you in advance for taking the time to answer these questions. Feel free to contact me at a.lajoie1@nuigalway.ie if you have any queries or concerns. Please return this questionnaire via email to the address above when completed.

Consent (please check box if information is correct):

I confirm that I have read the Participant Information Sheet for the above study, and that I have had the opportunity to ask questions.	
I am satisfied that I understand the information provided and that I have had enough time to consider the information.	
I freely and voluntarily agree to complete this questionnaire.	

Please answer the following questions:

(1) Name:

(2) Home country (and country where you work, if different):

(3) What is the nature of your work in the area of human rights, and for how long have you been doing this work?

(4) Please highlight all of the following that describe you:

Women human rights defender

human rights activist

Human rights defender
movement

member of women's

feminist activist

Please use the below lines to write any other descriptions that apply to you not mentioned above:

(5) If you highlighted HRD or WHRD, how long have you been a defender?

(6) Have you participated in other events/trainings/forums/conferences for human rights defenders? If yes, please list.

(7) What do you hope to gain from your experience with Front Line Defenders (or the University of York)?

(8) Do you network or collaborate with other human rights defenders in your home country?

(9) Do you at this point have any questions for me about my work or this research project?

(10) Based on this questionnaire, do you feel as though participating in an interview and/or group interview could cause you distress in any way? Please highlight one of the following:

YES

NO

POSSIBLY

Thank you for taking the time to fill out this questionnaire. Feel free to get in touch with the researcher with any questions.

Appendix I: Project Information Sheets and Consent Forms (Human Rights Defenders and Human Rights Experts)

Project Title: Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders

Participant Information Sheet for Human Rights Defenders

You are invited to take part in a research study. Before you make your decision, it is important that you understand why this research is being carried out and what it will involve. This participant information sheet will tell you about the purpose and benefits of this research study. Please feel free to take as much time as you need to read the following information carefully and ask if there is anything that is unclear or if you would like more information. You should only decide to take part in the research study when you feel you understand what is being asked of you. Thank you for reading this.

What is this research about?

My name is Amie Lajoie, and I am a PhD candidate at the National University of Ireland, Galway (NUIG). The aim of my research is to bridge academia and practice within the human rights community. I would like to gain an understanding of how the human rights defender framework operates on the ground and to what extent it is useful for individual women activists in particular.

What will my responsibilities be if I take part?

In addition to this information sheet, I will provide you with a self-completion questionnaire to finish prior to the interview. If you agree, you will be asked to undertake a one-on-one interview of approximately 45 minutes to one hour, as well as a 1 hour focus group discussion with 4-8 other human rights defenders (if available). Both interviews will be recorded. Questions will be focused on your perspectives and experiences as a woman active in the field of human rights advocacy.

Do I have to take part?

If you decide not to take part, that's OK. If you do decide to take part and later change your mind, you can withdraw any time up until the publication date. You do not have to give a reason. Should you withdraw, any information that you have provided will be destroyed. Also, during the interview, I may ask some questions that are sensitive in nature as they address your personal experiences – please note that you are not obligated to answer any question you are not comfortable with and you can withdraw from the study at any time.

What are the benefits of taking part?

I understand that I am asking quite a lot from you as a participant in my project. I greatly appreciate any time and information you may be willing to offer. I am confident this research will contribute to a better understanding of the experiences of women active in human rights, reflecting a greater need for the perspectives and voices of WHRDs to be heard within the wider international human rights community.

What will happen to the information I provide?

I will personally record and transcribe all interviews, and the information will be kept confidential. I will use pseudonyms throughout all aspects of the data collection and in my findings. Data will be stored securely on NUI Galway's central data storage system and will only be accessible to myself. You will have the opportunity to withdraw any statements made up until the project is published as a PhD thesis in September 2017. I will share all direct quotes with you prior to this date, so you can review your statements with the option to withdraw any/all of them as you feel is appropriate.

Your participation in the study will be greatly valued. Thank you for taking the time to read this participant information sheet.

Amie Lajoie
Global Women's Studies, National University of Ireland, Galway
+353 831504652
a.lajoie1@nuigalway.ie Skype name amie.therese

Project Title: Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders

Participant Information Sheet for Human Rights Expert

You are invited to take part in a research study. Before you make your decision, it is important that you understand why this research is being carried out and what it will involve. This information sheet will tell you about the purpose and benefits of this research study. Please feel free to take as much time as you need to read the following information carefully and ask if there is anything that is unclear or if you would like more information. You should only decide to take part in the research study when you feel you understand what is being asked of you. Thank you for reading this.

What is this research about?

My name is Amie Lajoie, and I am a PhD candidate at the National University of Ireland, Galway (NUIG). The aim of my research is to bridge academia and practice within the human rights community. I would like to gain an understanding of how the human rights defender framework operates on the ground and to what extent it is useful for individual women activists in particular.

What will my responsibilities be if I take part?

I will conduct a one-on-one interview with you lasting approximately 1 hour. This interview will be recorded. I will ask questions focused on your perspective as an active individual in the human rights defender paradigm and a key contributor to the development and implementation of this framework.

Do I have to take part?

If you decide not to take part, that's OK. If you do decide to take part and later change your mind, you can withdraw any time up until the publication date. You do not have to give a reason. Should you withdraw, any information that you have provided will be destroyed. Also, during the interview, I may ask some questions that are sensitive in nature as they address your personal experiences – please note that you are not obligated to answer any question you are not comfortable with and you can withdraw from the study at any time.

What are the benefits of taking part?

I greatly appreciate any time and information you may be willing to offer. I am confident this research will contribute to a better understanding of the experiences of women active in human rights, reflecting a greater need for the perspectives and voices of WHRDs to be heard within the wider international human rights community. In particular, your contribution will assist in a better understanding of how the identity of 'human rights defender' operates within the wider United Nations context.

What will happen to the information I provide?

I will personally record and transcribe our interview, and you will have the opportunity to withdraw any statements made up until the project is published as a PhD thesis in September 2017. I will share all direct quotes with you prior to this date, so you can review your statements with the option to withdraw any/all of them as you feel is appropriate.

Your participation in the study will be greatly valued. Thank you for taking the time to read this participant information sheet.

Amie Lajoie
Global Women's Studies, National University of Ireland, Galway
+353 831504652
a.lajoie1@nuigalway.ie
Skype name amie.therese



Project Title: Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders

Participant Consent Form for Human Rights Defenders (Front Line Defenders): One-on-one Interview

This form is for you to give your consent to take part in this research project. Please read each statement and respond by checking yes or no. If there is anything you do not understand, or if you want more information, please do not hesitate to ask.

I have read and understood the project information sheet, and have had the opportunity to ask questions. Yes No

I agree to the audio recording of this interview. Yes No

I agree that my participation is voluntary and I am free to withdraw at any time during the interview, without giving any reason or having my legal or ethical rights affected. Yes No

I understand that if I become emotionally distressed at any point during the interview and wish to seek professional help, the principal researcher will assist me in accessing local counselling services. Yes No

I understand that I will remain anonymous in all aspects of this research study. Yes No

I give my full and voluntary consent to take part in this interview. Yes No

I understand that if I choose not to take part, this will not affect my attendance/participation at the Dublin Platform/ York Fellowship in any way, or my relationship with Front Line Defenders/CAHR. Yes No

Name of Participant: _____

Date: _____

Signature: _____

Name of Researcher: _____

Date: _____

Signature: _____

If you have any concerns about this study and wish to contact someone independent and in confidence, you may contact 'the Chairperson of the NUI Galway Research Ethics Committee, c/o Office of the Vice President for Research, NUI Galway, ethics@nuigalway.ie.

Principal Researcher: Amie Lajoie
 Centre for Global Women's Studies, the National University of Ireland
a.lajoie1@nuigalway.ie
 +353 831504652

Skype: amie.therese



Project Title: Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders

Participant Consent Form for Human Rights Defenders: Focus Group Interview

This form is for you to give your consent to take part in this group interview. Please read each statement and respond by checking yes or no. If there is anything you do not understand, or if you want more information, please do not hesitate to ask.

I have read and understood the project information sheet, and have had the opportunity to ask questions. Yes No

I agree to the audio recording of this group interview. Yes No

I agree that my participation is voluntary and I am free to withdraw at any time during the focus group, without giving any reason or having my legal or ethical rights affected. Yes No

I understand that if I become emotionally distressed at any point during the focus group and wish to seek professional help, the principal researcher will assist me in accessing local counselling services. Yes No

I understand that I will remain anonymous in all aspects of this research study. Yes No

I give my full and voluntary consent to take part in this focus group. Yes No

Non-disclosure agreement: I agree to maintain the confidentiality of the information discussed by all participants and researchers during the focus group session. Yes No

Name of Participant: _____

Date: _____

Signature: _____

Name of Researcher: _____

Date: _____

Signature: _____

If you have any concerns about this study and wish to contact someone independent and in confidence, you may contact 'the Chairperson of the NUI Galway Research Ethics Committee, c/o Office of the Vice President for Research, NUI Galway, ethics@nuigalway.ie.

Principal Researcher: Amie Lajoie
 Centre for Global Women's Studies, the National University of Ireland
 +353 831504652
a.lajoie1@nuigalway.ie Skype: amie.therese



Project Title: Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders

Interview Consent Form: Human Rights Expert

This form is for you to give your consent to take part in this research project. Please read each statement and respond by checking yes or no. If there is anything you do not understand, or if you want more information, please do not hesitate to ask.

I have read and understood the project information sheet, and have had the opportunity to ask questions. Yes No

I agree to the audio recording of this interview. Yes No

I agree that my participation is voluntary and I am free to withdraw at any time during the interview, without giving any reason or having my legal or ethical rights affected. Yes No

I understand that if I become emotionally distressed at any point during the interview and wish to seek professional help, the principal researcher will assist me in accessing local counselling services. Yes No

I consent to quotes provided on-the-record attributed to me as an individual. Yes No

I give my full and voluntary consent to take part in this interview. Yes No

Name of Participant: _____

Date: _____

Signature: _____

Name of Researcher: _____

Date: _____

Signature: _____

If you have any concerns about this study and wish to contact someone independent and in confidence, you may contact 'the Chairperson of the NUI Galway Research Ethics Committee, c/o Office of the Vice President for Research, NUI Galway, ethics@nuigalway.ie.

Principal Researcher: Amie Lajoie
 Centre for Global Women's Studies, the National University of Ireland
 +353 831504652
a.lajoie1@nuigalway.ie Skype: amie.therese

Appendix J: Abridged Research Protocol

Sent to CAHR and Front Line Defenders*

Project Title: Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders

Description of Research:

This study focuses on ‘women human rights defenders’ (henceforth WHRDs), an emerging international identity of women activists in the human rights community. The concept of ‘WHRDs’ is derived from the dominant paradigm concerning the identities of human rights defenders (henceforth HRDs) and maintained at the national, regional and international levels of human rights discourse and practice. The defender framework is comprised of a network of institutions working to support and protect local HRDs and WHRDs in their work. Informed by feminist and gender theories focused on identity, I intend to scrutinise the space for women in this community, in particular, the perception that WHRDs are an ‘increasingly vulnerable’ subset of HRDs. Specifically, this project seeks to uncover and examine the prevailing understandings of ‘gender’ and ‘vulnerability’ that underpin the broader human rights project and how these concepts interact to shape the experience and possibilities for agency available to WHRDs.

The primary objectives of this study are the following:

- To critically examine the HRD paradigm through a gendered, historical and political lens in order to reveal the sites of contested meanings within.
- To consider whether or not the defender framework is a transformative space for women and in what ways.
- To illuminate and interrogate the notions of vulnerability as promulgated in wider human rights discourse and the implications for WHRDs.

To meet the above objectives of this research, I ask the following key research questions:

- How is gender significant in the lives and activism of WHRDs?
- What are the experiences and perceptions of WHRDs concerning the gendered norms and social expectations of their communities?
- How do WHRDs perceive their identity as defenders within the existing social structures and institutions in which they live and work?

My project is informed by feminist and gender theories focused on identity. In particular, the theory of gender performativity (Butler 1990) provides an integral lens of analysis. Gender performativity relies on a set of assumptions that challenge pre-conceived notions of gender as ‘biologically’ natural in the human condition. Additionally, understanding human subjectivity as ‘performative’, as fluid and changeable through one’s own actions, allows for a rethinking of vulnerability as well as an in-depth interpretation of the different modes of identity of my project’s participants, women who see themselves as a part of the defender community. This investigation will play an integral role in tackling my research objectives.

This project is also founded on literature related to the development of ‘human rights’ as an increasingly scholastic discipline. Critics of the legalistic, liberal, state-centric and institutionalised nature of ‘individual human rights’ and international human rights law have commented widely in both academia and practice. A wide range of this critical literature originates in a feminist perspective, from works highlighting the exclusion of

the rights of women in normative human rights frameworks to various cultural rejections of universality (Charlesworth and Chinkin 2001, Merry 1997, Brems 2003, Reddy 2013). Outside of the feminist lens there are those who advocate for a reevaluation of the human rights system on philosophical and political grounds (Douzinas 2002, Ignatief 2001) contrasted by staunch supporters of the 'universal' nature of rights and rights implementation (Donnelly 2007). These perspectives all contribute to the spectrum of interpretations regarding the utility and/or futility of the international human rights system, and are integral to my project's theoretical base.

Execution of Research

I intend on carrying out a mixed-methods approach featuring the following procedures: (1) a critical discourse analysis (CDA) of the main concepts in the existing HRD paradigm as well as (2) qualitative data collection in the form of questionnaires, semi-structured interviews and focus groups with 12-15 women who champion the identity of WHRD/HRD.

(1) The CDA of the HRD paradigm is based on the two theoretical frameworks of this project's literature review: feminist theories of gender identity and critiques of human rights discourse. I will discuss the ways in which the HRD paradigm is gendered by looking at the key texts and concepts of the paradigm as dictated by those charged with its creation: mechanisms of the United Nations, including the Special Rapporteur, the Human Rights Council and other institutions.

(2) The qualitative data collection has four principle phases, as detailed below:

Phase 1: Questionnaire. I will send out a brief questionnaire by email attachment to the WHRDs who have agreed to take part in the project. The purpose of this questionnaire is to gather relevant background information, such as biographical data as well as the length of time they have been involved in their human rights work.

Phase 2: One-on-one interview. I will conduct a semi-structured interview with each participant lasting approximately 40-45 minutes. The purpose of this interview is to gather personal data about their experiences as a woman in the defender framework, especially their perspective on gender, human rights and vulnerability.

Phase 3: Focus Group interview. I will conduct a group interview with several project participants at once. Themes of questions for these interviews will be derived from one-on-one interviews.

Phase 4: Interview with Human Rights Experts. I will conduct one-on-one interviews with Human Rights Experts Hina Jilani (the first United Nations Special Rapporteur on the Situation of Human Rights Defenders) and Michel Forst (the newly-appointed UN Special Rapporteur). These interviews will contribute to my understanding of how the paradigm developed at its earliest stages and how it has progressed today.

At the conclusion of these phases of qualitative data collection, I intend on fully transcribing the individual and group interviews and drawing thematic findings from this research.

Ethical Considerations:

My research is concerned with individual women who are professionals in their fields. However, as activists in 'front line' efforts to promote human rights, it is possible that some participants will have experienced a certain level of trauma or emotional injury as a result of their work as a WHRD/HRD. Leading up to the interview, I will examine whether or not there have been any documented experiences in the public domain of significant traumatic events (related to their work as a defender) in the 12 months prior to taking part in my research. If such incidences of trauma have occurred and been documented, including but not limited to physical violence or the death of a close

associate or family member, then I will not invite the defender to participate in my study. There is a very slim probability that my questions will incite strong emotional reactions from project participants, but to avoid provoking potential triggers I will implement the following research safeguards:

The well-being of the defender will, at all times, be of primary importance over the needs of the research.

Participants will have given their full, voluntary consent to take part in the data collection, with the knowledge of the project's topic and objectives.

Ample opportunity will be provided for the participant to ask any questions that she may have prior to commencement of the interview(s).

The possibility of emotional discomfort or distress will be clearly outlined to the participant in written form by the initial invitation and project information sheet as well as verbally by me.

The questionnaire will include a final question asking whether or not the participant, based on the material asked on the questionnaire, feel they could be at potential risk of becoming negatively affected emotionally during any individual/group interview. Any participant that has such apprehensions will not be asked for an interview.

I will be continually mindful and attentive to the defenders' well-being when engaging her in introspective discussions, and the choice not to answer any question or discuss any topic during the interviews, along with the option to stop the interview at any time, will be clearly communicated.

I have full knowledge of local counseling support services and emergency services (in Dublin, York and Galway) that I can direct participants to in the case of emotional distress or other injury during the interview process.

A de-briefing conversation will conclude each individual interview, during which the participant will be encouraged to ask any questions and discuss how they are feeling. Each participant will have my NUI Galway email address, Skype name and phone number, and will be encouraged to contact me after the interview/focus group if they have any information they would like to discuss further.

The participant will be able to withdraw from the study even after the interview process, at any point leading up to publication as a PhD thesis.

Prior to publication, I will send each participant a list of the direct quotes I wish to use from them, and they will have the option of reviewing their statements and redacting any or all involvement they had in the research. They will not have this option after publication.

I have prior experience working with WHRDs as well as carrying out interviews and qualitative data collection. I am confident I will be able to respond in a competent and appropriate manner should any difficulties or negative outcomes arise during the interviews.

The following ethical considerations will be given priority in the execution of my research:

- Confidentiality/anonymity. I will take all necessary steps in order to ensure participants cannot be directly identified from any of the data when findings are reported.
- Accurate representation of data collected. I will afford the various layers of data from the different phases of collection in the process with equal respect and attention to ensure this.
- Concern over compromising relationship with international institution. I will make clear the fact that the affiliation with/participation in any current or future events sponsored by Front Line Defenders and the Centre for Applied

Human Rights, the University of York will not be affected by a potential participant's decision not to participate in the study.

- Security of data. I will physically collect and keep track of data in such a manner to ensure it is safe and secure, stored appropriately with the use of password protection and other encryption methods and destroyed after 1 year.
- Accurate representation of the viewpoints of participants. I will respect the importance of presenting the perspectives of the participants in the research findings in a manner that is accurate, relevant and accessible to them. I will also give them final approval over direct quotes attributed to them.
- Ethical responsibility is accepted for the responsible dissemination of the research findings.

*Also sent copies of Project Information Sheet, Informed Consent Forms and the Questionnaire with this document to Front Line Defenders and the Centre for Applied Human Rights (CAHR).