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Detail of the blanket made by the Mexican artist Rosa Borrás for the project "Navigating Risk, Managing Security and Receiving Support", University of York, England.

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LETTER TO THE READERS

MARYURI MORA GRISALES
Executive editor of Sur | International Journal on Human Rights

DENISE DORA
Guest editor

SUR FILE

Producing an edition of *Sur* on human rights defenders in the midst of the global public health crisis caused by the new coronavirus was a challenge for Conectas. The effects of the pandemic in terms of violations of rights and freedoms and the mismanagement of the crisis by several states have made the work of people who defend rights around the world even more difficult and as a result, the task of addressing this issue all the more challenging.

In his most recent report, former UN Special Rapporteur on the situation of human rights defenders, Michel Forst, expressed a constant concern during his mandate: the gap between the fundamental role of rights defenders in the advancement of civil, economic, social and political rights and the way they are treated, attacked and persecuted.[1] International human rights organisations focus all their expertise on the goal of bringing the importance and the urgency of this work to the forefront. Despite this, the number of violations is alarming and the situations, extremely precarious,[2] which justifies the need to encourage the human rights movement and the multiplicity of its expressions and forms of action to continue.

Since the start, the objective of *Sur* 30 has been to present rights defenders from a different perspective – not the one focused on the number of deaths, risks and threats or the shrinking of democratic spaces that affects the daily lives of rights defenders everywhere. Being careful to avoid minimising realities of extreme inequality and violence and romanticising

work generally carried out in situations where the lives of rights defenders are in danger, we sought to focus on their lives and the paths they have taken to celebrate their victories. We did so while also reflecting on an agenda that must urgently be pursued to ensure their well-being and protection.

The term "defender" was brought into question and often redefined in the different articles in this edition. Not everyone who defends life seeks justice or denounces rights violations recognise themselves as defenders and/or enjoy the rights that they are entitled to. There is a certain institutional formality in the nomenclature – and the language – that seeks to characterise an activity that is much older and more diverse than what the UN Declaration on human rights defenders (1998) is able to cover.

In this edition, our readers will find the powerful stories of individuals, groups, organisations and movements that are part of the broad spectrum of actors engaged in the fight for human rights. The amount of people and situations and the wide geographical range of the contributions (15 countries) we managed to bring together here are the fruit of our efforts to be a space of convergence of voices from the Global South and our constant quest to amplify them through the use of various accessible languages and formats. As shown by the infographics to this edition. Furthermore, the editorial process of a journal that strives to be plural and diversified was even more challenging this time due to the numerous restrictions imposed on our team by the social isolation measures adopted in response to the current pandemic. It is worth noting that instant messaging tools were important allies in the 100% remote dialogue and exchanges we had with the protagonists of this edition of *Sur*.

It is also important to note that using more inclusive language in the Portuguese and Spanish versions to refer to all people who defend human rights was a challenge throughout the entire process of

producing *Sur* 30, but also a commitment that the editorial team needed to make. We hope that everyone feel included in the articles published here and in future editions of the journal.

In this direct dialogue with our readers, we also reaffirm the *Sur Journal's* commitment to fight racism and to the affirmative action policies adopted from this edition on. This includes, for example, the participation of more black professionals in our team of external collaborators.

1 • THE HISTORICAL STRUGGLES...

People have been defending human rights long before they existed on paper or anyone called or recognised them as such. Ancestral struggles in defence of the Earth and for the recognition of indigenous peoples' rights, the historical struggle against racism and the indomitable efforts of women, in all their diversity, to defend their freedom are all present in the testimonies in this first section. In a powerful interview, **Angela Amanakwa Kaxuyana (Brazil)**, indigenous leader from the state of Pará, links her activism to a long history of struggle in defence of the territories of indigenous people in Brazil. She strongly denounces the impacts of colonisation and the extremely negative role of the state, particularly the Bolsonaro government, in the escalation of attacks on these peoples. **Juan Carlos Chindicué (Colombia)**, a member of the national indigenous guard, tells his story, from the time he recognised his own ancestral roots to his actions to defend life and the territory in an urban context. Both texts bring to light not only a tradition of resistance, but also the important differences between the indigenous cosmovision, which is systematically rejected or ignored, and a Western concept of law and justice. Through the documentary film project that she is currently working on, **Erika González (Colombia)** seeks to raise the awareness of a broad audience on the struggle of women environmental defenders in Latin America.

In a conversation between Luiz Franco and Iêda Leal (Brazil), structural racism - the legacy of the slavery period - is listed as the main barrier that black activists still face today. For Iêda, defending rights is a matter of survival in a country with an absurd amount of deaths and where the main target of this violence is young, black people living in the periphery.

Lesbian activist Indyra Mendoza (Honduras) tells us about her participation in the struggle for LGBTQI+ rights in one of the most dangerous countries in the world for this population. This interview confirms the idea, under debate in this edition of *Sur*, that activism is not the one and only thing in the lives of these people: in the case of Indyra, she is also a coin collector and a writer of children's stories.

In general, women are one of the main at-risk groups all over the world. Women who fight for their rights are the target of violence and persecution, whether as a result of high migration flows, conflict and post-conflict situations or restrictions on civic spaces in the places where they live. Despite this, they are also important agents of change who are tireless in their search for new ways to rise above the multiple forms of patriarchy in their lives.

Women's leadership in the struggle for rights is portrayed in the article by young activist Ashvini Rae (United Kingdom) and the interview with Ilham Omer and Bahiya Murad (Syria), the founders of Mala Jin (the Women's House) in the Jazira region in northern and western Syria, conducted by the Rojava Information Centre (RIC). Ashvini shares Indian women human rights defenders' experience with social media and discusses the media's ambiguous role, as it both facilitates coordinating and mobilising processes and creates opportunities for new on-line forms of violence and harassment at the same time. The Women's House in Syria, for its part, is a clear example of women's community organising and activism in a context of extreme violence and repression against women. Prioritising

dialogue and reconciliation as their method, these women courageously face adverse situations arising from the political and religious traditions of their country.

2 • INSTITUTIONAL PERSPECTIVES AND THE WORK OF ACTIVISTS

Twenty years after the adoption of the Declaration on human rights defenders, the United Nations (UN) still faces enormous challenges in promoting and guaranteeing the rights of defenders around the world. This is what Michel Forst shows in his last report. These challenges can also be seen in the journal's interview with **Mary Lawlor (Ireland)**, the recently elected UN Special Rapporteur on the situation of human rights defenders. In her responses, Lawlor affirms that there is a continuing need to recognise and legitimise the work of rights defenders and expresses concern with the impacts of the coronavirus pandemic on these people's daily lives, the transition to online work and new risks related to digital security.

Also on this issue, **Juan Pablo Bohoslavsky (Argentina)** contributes with a text that, although not a part of this edition's dossier, offers an important analysis of the impact of the coronavirus and Covid-19 on the global economy and human rights. He criticises the "economy first" approach that many governments have been promoting during the pandemic.

In addition to individual rights defenders and their struggles, there are many organisations that dedicate their work to conducting research, producing data, reporting and creating tools and strategies to give visibility and protect the lives of those who take action to defend human rights. The following section contains institutional contributions on the overall situation of defenders, the contexts of their work and the monitoring of the parties involved – state, business and civil society. They present valuable results and highlight the challenges that human rights still face.

Ali Hines (United Kingdom) describes the dire situation of human rights defenders who focus on the defence of land and the environment based on alarming data from Global Witness's annual report. The data shows that clashes with private sector interests are one of the main reasons for the deaths of activists in various parts of the world. In light of this situation, Hines highlights the importance of holding companies accountable for their impacts on the economic, social and health rights and interests of the local communities where they operate.

Marianna Belalba Barreto (Venezuela) and Debora Leão (Brazil) draw our attention to the fact that 2019 was a year of intense repression, but also intense collective action by rights defenders. Using data from the CIVICUS Monitor,[3] they identify global trends in the actions that state and non-state actors take to restrict the work of defenders all over the world. The article also seeks to recognise, celebrate and learn from the experiences of people involved in the defence of human rights by citing concrete cases and names from the victories won in several countries.

The article by Madeleine Sinclair (United States) discusses the International Service for Human Rights' (ISHR) study on intimidation and its impact on engagement with the UN. This study is an important tool to help rights defenders make decisions about the risks they take and how to hold states accountable for all forms of intimidation.

Next, Todd Howland, Shelby Ankrom, Gonxhe Kandri, Paul Olubayo, Hannah Shireman, Alli Strong-Martin and Amelia Shindelar from the University of Minnesota (United States) present the "Minnesota Method for Human Rights Change". Based on academic and practical knowledge, the method's goal is to help human rights defenders develop strategies for change that have a good chance of success.

The thought-provoking article by Julia Neiva (Brazil) and Amanda Romero (Colombia) offers a different institutional perspective.

Based on their experience as women with ties to organisations that address the impacts of business on human rights, the authors discuss the difficulties and ethical dilemma they face in their work. Although they are aware of the ambiguities and the contractions in the business-human rights relation and are the target of criticisms from both the victims' organisations and the companies themselves, it does not stop them from believing in the potential of their work.

3 • CARE AND SELF-CARE

Staying alive and safe is the main goal of human rights defenders today. This task is becoming increasingly complex and depends on elements such as geographical context, skin colour, nationality, religion, gender and sexual orientation, among other multipliers of oppression. It is by no means an easy task for people committed to the defence of rights, since they usually put the causes they defend first. In response to the tendency to do so and its negative effects for activists, efforts have been made in recent years to defend care and self-care as a right and essential practices within the movement. Here, we present two proposals inspired by the moving article published in *Sur* 26 entitled "Self-care as a political strategy".[4]

Based on the concrete experiences of non-white feminists in Brazil, **Simone Cruz (Brazil)** and **Jelena Dordevic (Serbia/Brazil)** emphasise the importance of thinking about sustainability and the protection of women rights defenders in the long term, while taking into account the ways racial and gender inequalities work and how they stop women from living a life free of violence. For **Lisa Chamberlain (South Africa)**, there is a need to move beyond self-care to collective care. She affirms that the latter, when institutionalised, is more effective. For this change to happen, an institutional approach committed to a comprehensive concept of care is required.

4 • NEW KINDS OF ACTIVISM AND UNCONVENTIONAL EXPERIENCES IN THE DEFENCE OF RIGHTS

One interesting story in this section is that of **Oren Yakobovich (Israel)**: this social entrepreneur and former army officer has years of experience in implementing strategies of resistance, documenting human rights violations and managing security protocols for rights defenders in places such as the West Bank and Cambodia. For Oren, the ongoing challenge of providing protection is knowing how to use ancestral knowledge (even on warfare) to implement new, comprehensive strategies that empower civil society and make it more efficient.

The remarkable text by **Íbis Silva Pereira (Brazil)**, known as **Coronel Íbis**, who has a critical view of his own experience in Rio de Janeiro's military police, reminds us that unlikely allies do exist in the fight for human rights. In a narrative that combines poetry, critical political thought and hope, Colonel Íbis shares his dream of a more humane police force committed to the defence of human rights, which is quite different from the daily experience of and with public security forces in Brazil.

And while we are on the topic of going against expectations, at first glance, the words "funny" and "amusing" do not appear to be part of human rights defenders' regular vocabulary. It is not that they are absent from the daily lives of defenders who manage to smile, relax and have fun despite the difficulties, even in the midst of the worst situations. But these adjectives are clearly not part of the language traditionally used by the movement or in documents and official reports. Defending rights is not easy, safe nor is it restful. So, how do we use humour in the struggle for rights? In her captivating contribution to *Sur*, **Ishtar Lakhani (South Africa)** advocates for creative activism in the fight for the rights of sex workers in her country. She shares her story and the motives that led her to join the fight for social justice at an early age. Through a process of

self-discovery and with a passion for politics, she discovered that the miraculous power of wit and humour is an ideal means for conveying messages on human rights.

PerifaConnection (Brazil) is an activist group made up of young black people from the periphery of Rio de Janeiro (Raull Santiago, Nina da Hora, Salvino Oliveira, Wesley Teixeira and Jefferson Barbosa) who have come together from different backgrounds, struggles and even religious affiliations to converge as defenders from and for the peripheries. Black power and leadership are key words in the stories of these youth, who have become references in media activism in Brazil and continue strengthening a growing national network for action.

5 • ART: WEAVING TOGETHER NARRATIVES, STRUGGLES AND MEMORIES

For the artwork section of *Sur* 30, the inspiration for our decision to include works of art and projects that have a common narrative came from the first submission that we received in response to our call for papers. With this as our starting point, the team found an element at the intersection between dialogues that symbolically connects the themes of this edition to one another: the art of sewing together and arranging different narratives, perspectives and subjectivities to celebrate and protect human rights and those who defend them. Based on this, we identified three projects/artists/cultural expressions that, each in their own way, represent sensitive and collaborative artistic forms of the defence of human rights that involve sewing and embroidering by hand and are led specifically by women.

A photograph of a colourful patchwork quilt from the collection of the "Navigating Risk, Managing Security and Receiving Support" project at the University of York caught our attention and appears

on the cover of *Sur* 30. Described in the article by Alice Nah and Juliana Mensah (United Kingdom), the project focuses on the experiences of human rights defenders from Colombia, Mexico, Egypt, Kenya and Indonesia and features stories on security and protection told through poetry, films, drawings, music and other art forms. Rosa Borrás (Mexico), one of the artists who participated in the project, contributed to the journal's visual identity and art gallery by providing photographs of the quilt she made using pieces of clothing donated by rights defenders and poems written by Mensah to tell the stories of defenders.

The Chilean *arpilleras* technique has been used in several countries, primarily in South America, as a way of denouncing human rights abuses, violence and trauma and expressing resistance by speaking out and representing these stories visually through embroidery. Two groups of Chilean embroiderers – Bordadoras en Resistencia (Embroiders in Resistance) and the embroiderers from Coyhaique (Chile) – share the stories of their personal lives and their collective struggles (which we have turned into a profile), as well as photos of their main works and the process used to engage in this beautiful and powerful form of textile activism.

Finally, we present visual artist Mônica Nador (Brazil), founder of Jardim Miriam Art Club (JAMAC), a cultural centre located in the periphery of São Paulo. She moved to the area to be able to work directly with the local community. In her work, Mônica uses individual stories in workshops and collective projects to demystify the idea that "art" is not for everyone. In an interview with *Sur*, the artist talks about the right to culture and describes old and new projects developed throughout her career.

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Conectas would like to highlight that this edition of the *Sur Journal* was made possible with the support of the Mott Foundation. We would also like to thank the Open Society Foundation, the Oak Foundation, the Sigrid Rausing Trust and individual donors who institutionally support our organisation's work.

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Furthermore, we express our deepest gratitude to all members of Conectas' team, especially Arquias Sófocles Guimarães Soares Cruz, from the journal's editorial team, and the communications team for their contributions and constant collaboration in the production of this edition of the *Sur Journal*.

Finally, Renato Barreto, our dear editorial consultant, deserves a special mention, not only for his excellent and impeccable work, but this time as an expression of our affection, as he suffered the loss of his mother towards the end of the editing process... Mrs. Célia is also part of this edition of *Sur*.

NOTES

1 • Michel Forst, "Defending and Protecting The Defenders: Achievements, lessons learned and future perspectives." Protecting Defenders, May 2020, accessed August 12, 2020, https://www.protecting-defenders.org/sites/protecting-defenders.org/files/V-EN-complet-0526.pdf.

2 • See: "Enemies of the State? How governments and businesses silence land and environmental defenders", Global Witness, July 30, 2019, accessed July 24, 2020, https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/; FLD: "Dispatches: Informes Desde La Línea Del Frente," Front Line Defenders, 2019, accessed August 14, 2020, https://www.frontlinedefenders.org/sites/default/files/dispatches_2019_spanish_hybrid.pdf.

3 • CIVICUS Monitor, Homepage, 2020, accessed on August 14, 2020, https://monitor.civicus.org/.

4 • Ana María Hernández Cárdenas and Nallely Guadalupe Tello Méndez, "Self-care as a political strategy," *Sur Journal* 14, no. 26 (2017): 174.

CONVERSATIONS

"BEING A LEADER, A WOMAN AND INDIGENOUS: THREE CHALLENGES, THREE BARRIERS"
Angela Amanakwa Kaxuyana

THE INDIGENOUS GUARD AND THE DEFENCE OF HUMAN RIGHTS: AN EXPERIENCE FROM COLOMBIA
Juan Carlos Chindicué

"FOR ME, BEING A HUMAN RIGHTS DEFENDER IS REWARDING, BUT IT IS ALSO AN ACT OF COURAGE"
Indyra Mendoza

IÊDA LEAL: "OUR BODIES ARE TARGETS"
Luiz Franco

BUILDING PEACE: NORTH AND EAST SYRIA'S WOMEN'S HOUSE
Rojava Information Center

CONVERSATIONS

"BEING A LEADER, A WOMAN AND INDIGENOUS: THREE CHALLENGES, THREE BARRIERS"

• *Interview with Angela Amanakwa Kaxuyana* •

By Maryuri Mora Grisales and Arquias Sófocles Guimarães Soares Cruz

For Angela Amanakwa Kaxuyana, defending indigenous territories means guaranteeing the survival of humankind. Angela is a leader from the Brazilian Amazon, of the Kahyana people from the Kaxuyana Tunayana indigenous reserve located in the northern tip of the state of Pará, at the Brazil-Suriname border. She is a member of the executive coordinating team of the Coordenação das Organizações dos Indígenas da Amazônia Brasileira (COIAB or the Coordinating Committee of the Organisations of the Indigenous Peoples of the Brazilian Amazon), a member organisation of the Articulação dos Povos Indígenas do Brasil (APIB, or the Coalition of the Indigenous Peoples of Brazil). In 2019, she toured Europe with APIB as part of the "Indigenous Blood: Not a Single Drop More" campaign.[1] During the tour, she denounced violations of socio-environmental rights in the Amazon and highlighted the criminal nature of the forest fires, acts of intimidation and the vulnerability of indigenous people living in voluntary isolation. According to Angela, the failure to demarcate indigenous land puts the lives of several isolated peoples in danger and weakens the territories, primarily because of the illegal actions of informal mining operations, hydroelectric dams and land grabbers. More recently, she denounced the Brazilian army for having spread the new coronavirus to indigenous peoples in her region.

In an interview with Sur Journal*, Angela Amanakwa Kaxuyana discusses her personal experience as an activist and defender of indigenous peoples' rights, the different forms of violence that these peoples are exposed to in Brazil today and the importance of raising awareness among people in Brazil and abroad on the systematic violations of indigenous peoples' human rights committed directly and indirectly by the state, along with other issues.*

• • •

Sur Journal • First, tell us a little about your individual and collective experience in the defence of indigenous peoples' rights.

Angela Amanakwa Kaxuyana • I come from a struggle to reclaim a territory. Not only of my people, but of several peoples who were forced to move to another territory during the dictatorship.[2] I come from a history of struggle, of the fight to return to our traditional territory, from the fight for the defence and the delimitation of the Kaxuyana Tunayana indigenous territory. I always say that I have been an activist since I was born because being born an indigenous woman in the territories means you have to fight from the moment you first encounter the difficulties that we face here, the lack of access to policies, the lack of access to your rights as a people.

Sur • How is the historical violence against the indigenous peoples related to deforestation and other increasingly severe forms of violence currently being committed against the Amazon forest in the pursuit of a false notion of development?

AAK • Actually, the only motive for the violence against indigenous peoples has always been non-indigenous people's greed for our land. So, the violence is directly related to recent events, such as the assassinations of leaders, which is linked to protection itself and to indigenous people giving their lives to protect our territories and the forests. And when we talk about forests, we mean forests with life in them. Because people often separate what is in the forest environment from the forest, as if there was no life

in the forest. Forests exist because we are there. We are part of the life of the forest. Therefore, we are totally connected.

Violence is the expansion of agribusiness, deforestation, the invasions of territories in the name of this development – a kind of development that bulldozes over people's lives, that does not take their existence into consideration. We ask ourselves: but all this to develop what? And develop for what purpose? Because for us, as indigenous people, development is well-being, preservation, respect for others, preserving our resources and guaranteeing that the population lives in dignity. This is what development is, and not that other version that knocks everything down so that only a few get rich and only a few have the privilege of having their lives guaranteed through death, deforestation and the spilling of indigenous blood.

Sur • How did the Coordinating Committee of the Organisations of the Indigenous Peoples of the Brazilian Amazon and the Coalition of the Indigenous Peoples of Brazil emerge and what are their main demands?

AAK • COIAB turned 31 in 2020. It was born as the result of a movement that had begun way before indigenous leaders started participating in the process of the Constituent Assembly [of 1988]. Several leaders in the Amazon mobilised to defend mainly the demand for the delimitation of indigenous territories. Therefore, the main reason for creating the COIAB and its goal was to defend a strong agenda focused on the demarcation of indigenous land. But, at the same time, the debate on the Constituent Assembly was underway and these leaders got highly involved to mobilise and defend the indigenous agenda to ensure that the rights of these peoples were included in the Constitution.

Thus, it was also the result of a dream to see the struggle to guarantee the rights of the indigenous population succeed. That was when the first main agenda was constructed, which defends the delimitation of and guarantees for indigenous territories. We often say that without guarantees for the demarcations, without the territories, it is impossible for us to discuss our life plans. You cannot discuss education and health policies if you have no guarantees for your security as an individual, as a people, which is what the demarcation of indigenous territories is.

COIAB was officially founded in 1989 but the coalition dates back much further than that. It began as a coalition of leaders who were strongly involved in this process of confrontation for the recognition of indigenous territories, in the struggle for the delimitation of land in the Amazon, but also in the process of debate in the Constituent Assembly.

Sur • You and other indigenous leaders have recently travelled to European countries for an awareness-building campaign. Can you tell us a little about the campaign and the discussions it raises, such as pressure to stop the ratification of the trade agreement between the Southern Common Market (MERCOSUR) and the European Union?

AAK • The goal of this campaign in Europe was to have indigenous voices heard there and

denounce the violation of indigenous peoples' rights and the increase in deforestation. The slogan or message of our campaign was "Indigenous Blood: Not a Single Drop More".[3] That was right after the fires. And, in the Amazon, most of the fires were in indigenous territories, many of which were started criminally.[4] They even tried to criminalise us, hold us responsible for acts that the state itself had organised. When we say 'criminal acts', we do not mean that someone from the government went in and set the forest on fire, as they claim. The criminal act began with the dismantling of protection policies. The crime is: you go and take apart an entire construction process where society was effectively participating in the monitoring of rights. Then, you dismantle the Funai, dismantle IBAMA [Brazilian Institute of Environment and Renewable Natural Resources], dismantle ICMBio [Instituto Chico Mendes de Conservação da Biodiversidade or the Chico Mendes Institute]. This ended up generating a series of factors that allowed the fires to spread at an absurd rate in 2019.

That was also a year when several indigenous leaders were assassinated and agribusiness invaded indigenous territories. And it was the first year of the Bolsonaro administration, which came at us full force. And the first group, the first population that he declared an enemy was the indigenous people. So, the campaign focused on this too, but at the same time, we brought important issues to the attention of European society and made them see that they are directly responsible for guaranteeing our rights in Brazil. They are also responsible for stopping, for putting an end to many forms of violence and many rights violations that we have suffered.

We also talked a lot about how the market sells indigenous blood. And sells it to whom? It sells it precisely to Europe. We visited countries to take them this warning: the soy that you buy is irrigated with indigenous blood. Therefore, you are responsible because you buy products imported from Brazil, which come from areas of conflict, areas in indigenous territories. Your demand, demand from Europe, puts pressure on our lives, pressure to decimate our lives in order to supply your market. The warnings we shared, which are not only for society but also businesspeople and politicians, went along these lines. For 45 days in 11 countries, we brought many messages to alert them about the current moment. The European market is sustained by indigenous blood. The soy that you give your animals is watered with indigenous blood. The wood that is sold here and the corn that is brought over comes from invasions and areas of conflict, where many indigenous people lose their lives to hold on to their territories.

And we also warned people about the MERCOSUR agreement, as it contains several clauses that are not very clear in relation to respect for and the safeguarding of indigenous peoples' rights. The existence of a clause that says that these rights will be respected does not guarantee that our lives, our territories, our existence will, in fact, be respected. We often told them that if Bolsonaro does not respect international treaties and UN treaties that define and defend our rights as indigenous peoples, imagine a free trade agreement. We also pointed out that many demands dealt with in this free market created by the MERCOSUR agreement involve elements that have not been identified, such as the export of gold and other minerals, and that continue to be items that are not monitored or taxed. This puts our territories directly in the line of fire, as in the case of the draft bill on mining.[5]

Sur • What role do alliances with social movements, parties and non-governmental organisations play in the fight against racism in Brazil and abroad? How do you see the intersection of struggles against historical oppression in the country and the importance of the presence of black, quilombola and indigenous women leaders in the defence of human rights?

AAK • Talking about alliances is a process that we have adopted and we increasingly see a need to expand these alliances to include organisations from other segments – whether with women, as we did with the Marcha das Mulheres Indígenas (Indigenous Women's March) which we linked to the meeting of the Marcha das Margaridas (March of the Daisies), or with the Movimento Sem Teto (homeless movement), etc. We have increasingly seen and perceived the importance of remaining strong, allied and aligned to continue to fight together. Not only indigenous peoples. The indigenous movement is a movement that appears in confrontations, that appears in the struggle. It was the first movement to come face to face with the Bolsonaro government, but other populations are also being directly attacked. Even though he clearly declared war on indigenous people, this does not mean that other peoples, such as quilombola and extractivist communities,[6] are not targeted. And when he talks about NGOs, this also includes us because our indigenous organisations, such as COIAB and APIB, are also non-governmental organisations. They provide a legal space that represents us and takes care of all our legal needs. And we have many allies in other NGOs, which have played a fundamental role not only now, but throughout the history of the defence of indigenous peoples' rights.

Sur • Brazil is still one of the countries with the most people infected with the new coronavirus and the situation is even more serious for traditional communities. How do you see the relationships between racism, genocide and the pandemic in view of the actions of the Brazilian state in the current context?

AAK • Unfortunately, indigenous peoples have held this ranking of deaths and neglect related to the spread of the pandemic in indigenous territories. The numbers are alarming. In the Brazilian Amazon alone, as of July 6, there were more than 390 deaths. And there are no statistical data or references to back this number. No attention is being paid to the spread of the coronavirus among the indigenous population and when figures do appear, they are much lower than they are in reality. As of now, more than 8,866 people have tested positive and 99 indigenous peoples have been affected according to a survey by COIAB.

This isn't completely disassociated with the genocide underway. Because genocide is not only when someone goes to bomb or gun people down. It begins with the absence of public policies. First of all, the Brazilian state has not presented any emergency plan capable of taking care of indigenous territories. Our territories are located along borders and are difficult to get to. And even so, the coronavirus made it there. In many regions, in many cases, state officials were the ones who brought it in. The lack of infrastructure, the lack of monitoring and the failure to follow the protocols to ensure that the new coronavirus does not reach our indigenous territories are what have led to such alarming numbers. Therefore,

we have been accompanying and monitoring information daily and we found that the virus is spreading throughout indigenous territories. And today, the state has adopted no measures, no structure, no emergency action specifically for the indigenous population. Unfortunately, this is the current scenario, the package, as we say – a package to dismantle policies precisely to affect us and to make us, the indigenous population of this country, disappear.

Sur • In the context of the crisis in combatting the pandemic in indigenous territories, what is your analysis of the gaps in government assistance and the reasons for this inefficiency?

AAK • The state shuns its responsibility for the chaotic situation that indigenous people are in, the extremely critical situation caused by the spread of the coronavirus. But there is no plan, no announcements, no dialogue, no effective emergency action to combat it. We end up depending heavily on the DSEI [Distrito Sanitário Especial Indígena or the Special indigenous health district], which is linked to the SESAI [Secretaria Especial de Saúde Indígena or Special secretariat for indigenous health], but this body has been completely sold to politicians who fill it with their people. The occupation of these bodies that are supposed to defend indigenous peoples' rights, such as the Funai or SESAI, which politicians have been using as bargaining chips, generates a lack of infrastructure. Even for our enemies, as the Funai is today, full of missionaries, of people who are against indigenous people, agribusiness people, invaders of indigenous territories. Therefore, our rights are increasingly being dismantled and sold off to please the Bolsonaro government.

But all this has the same purpose. The main goal is to wipe out the indigenous population, make us disappear so they can take over our territories. Because that is where the resources that the greedy want are located. But why are the resources there? Because we have always fought, we have always lived and we even changed our lives to preserve our territories. We have never allowed our resources to deteriorate, be traded or sold. Therefore, the only territories that preserve the wealth of Brazil today are precisely indigenous territories, where the water and water sources have been preserved – resources that can, in fact, keep the climate balanced, that can guarantee the balance of human life itself. But people have a hard time realising this. When we talk about the delimitation of indigenous territories, it is not simply a matter of delimiting territories as physical spaces. When we talk about demarcation, it means delimiting the guarantees of our rights, our lives, because only then will we be able to do all this maintenance so we can continue living in harmony with nature.

Sur • Despite all this, what motivates you to keep fighting? What would you say so that people, like you, continue on the path of resistance?

AAK • I say that our first struggle as indigenous people in this country is to resist. Resist and guarantee our lives in our territories, which is where our whole way of life, our entire existence, our whole essence as indigenous people is. Fighting for my territory motivates me to be even more resistant and increasingly empowered to make my presence felt and ensure that my contribution as an indigenous woman leader is valued. Because this makes all the difference:

being a leader, being a woman and being indigenous. These are three challenges and three barriers because people tend to attribute leadership to male figures. But we, indigenous women, have shown just how fundamental our role in the struggle and resistance for our territories has been. We have been at the forefront of the processes of resistance, of victories. This is because we are the first ones to be affected by different forms of violence, by losses of rights.

Society needs to make a commitment to fight – a commitment to care about the lives of others. This disregard for indigenous people only shows that it is not a matter of not caring about our lives; you do not care about the lives of human beings in general. It means you have no humanity. In other words, humanity needs to be more human. People have seen so many massacres, so much violence, so many murders of indigenous people, but they don't react. In a history of colonisation, this is connivance. I say that it is complicity because if society reacted and responded to all these attacks and yet another attempt to commit genocide against the indigenous peoples of Brazil, our strength would be much greater and we would have another other way of fighting for our rights. More people would care about the loss of lives. This is why we must look inside ourselves and care more about the lives of others. We need to be more humane to truly embrace this sense of closeness, of solidarity.

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Interview conducted on June 16, 2020.
Original in Portuguese. Translated by Karen Lang.

Photos: Angela Amanakwa Kaxuyana's personal collection.

NOTES

1 • Rafael Belincanta, "'Nosso sangue irriga a soja consumida na Europa', denuncia comitiva indígena em Roma." Brasil 247, October 21, 2019, accessed on July 9, 2020, https://www.brasil247.com/mundo/nosso-sangue-irriga-a-soja-consumida-na-europa-denuncia-comitiva-indigena-em-roma?fbclid=IwAR0X5qAVKvxJmt_GE52bazz0-32fJZG7dd8MOu6gt2dfonjl2YB-zZhSqb0.

2 • The civil-military dictatorship in Brazil that lasted from 1964 to 1985.

3 • "Comitiva," Nenhuma Gota a Mais, 2019, accessed July 9, 2020, https://www.nenhumagotamais.org/comitiva.

4 • Karla Mendes, "Estudo Indica que Queimadas na Amazônia Ocorreram em Áreas Desmatadas em 2019." El País, September 28, 2019, accessed July 9, 2020, https://brasil.elpais.com/brasil/2019/09/26/politica/1569456980_698387.html.

5 • Paula Batista, "Mineração Predatória Como Política de Governo." Nexo Jornal, February 14, 2020, accessed July 9, 2020, https://www.nexojornal.com.br/ensaio/2020/Minera%C3%A7%C3%A3o-predat%C3%B3ria-como-pol%C3%ADtica-de-governo; see also Camilo Rocha, "O que Há no Projeto que Libera a Exploração de Terras Indígenas." Nexo Jornal, February 8, 2020, accessed July 9, 2020, https://www.nexojornal.com.br/expresso/2020/02/08/O-que-h%C3%A1-no-projeto-que-libera-a-explora%C3%A7%C3%A3o-de-terras-ind%C3%ADgenas.

6 • Translator's note: In Brazil, the term "extractivist communities" is generally used to refer to traditional communities who harvest forest-related products, such as fruit, nuts, rubber and timber, for a living.

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CONVERSATIONS

THE INDIGENOUS GUARD AND THE DEFENCE OF HUMAN RIGHTS: AN EXPERIENCE FROM COLOMBIA

• *Interview with Juan Carlos Chindicué* •

By *Sur Journal*

> *Indigenous communities see the Indigenous Guard as their own ancestral organisation and an instrument of resistance, unity and autonomy in the defence of their territory and their plan for life. It is not a system of policing, but rather a humanitarian and civil resistance mechanism. It seeks to protect and promote their ancestral cultural and compliance with their own law. It gets its mandate from the assemblies themselves and therefore, it answers directly to indigenous authorities.*[1]

Defending land and territories in a country like Colombia is not an easy task. Colonial violence and updated versions of "development" continue to have devastating effects on the territory and indigenous peoples. The internal war that dragged the country through more than 60 years of displacements, hunger and death has affected the indigenous, peasant and black peoples the most. And it is precisely these peoples that are leading resistance, collective organising and different ways of defending their rights.

The Indigenous Guard is a collective and voluntary effort to defend life through the administration of their own law,[2] *peaceful resistance, the use of indigenous legislation, the defence of human rights and the promotion of peace in territories marked by violence.*

In a short, but fruitful dialogue with Juan Carlos Chindicué, member of the Indigenous Guard from the department of Cauca (a region with a predominantly indigenous population, mostly from the Nasa ethnic group), Sur Journal *spoke with one of the many faces of the ancestral struggle to defend the lives and autonomy of indigenous peoples in Colombia.*

Sur Journal • How was the Colombian Indigenous Guard created?

Juan Carlos Chindicué • The Indigenous Guard is from a long time ago, when it was the civil guard. From the times of La Gaitana[3] and Quintín Lame.[4] Back then, it was called the civil guard and it controlled and was in charge of the logistics of certain events; as collaborators from the community who supported the *cabildos*[5] and indigenous reservations. That is what the civil guard did back then.

We were included in the Constitution of 1991 as an indigenous movement.[6] After the El Nilo massacre [in which 21 indigenous people were killed],[7] the guard began to take shape. During that time, in 1993 and 1994, many young people, women, children and adults joined the guard. But they didn't have much strength nor did they have a strong structure to sustain the Indigenous Guard. And the organisational process eventually weakened. In 2001, the Indigenous Guard reappeared and resumed work on what was still pending. That year, the movement grew in strength, with approximately 3,000 Indigenous Guards. It started working on building strength within the indigenous territories, as Indigenous Guards, *Kiwe thegnas* [caretakers of the territory], to control the territory and the plan for life: to protect life. From that year on, the guard has grown stronger.

The national Indigenous Guard was also born from the indigenous Minga.[8] One of the points defended by the Minga was the recognition of the Indigenous Guard at the national level. The government accepted this demand from the indigenous movement and today, we are recognised at the national level, as is the "Cimarrona guard".[9,10] The ministry has yet to recognise the peasant guard, but the process is underway. With all the peoples together, there are around 33,000 or 34,000 Indigenous Guards in all of Colombia.

Sur • Tell us about yourself, the history of your family and community in the Indigenous Guard.

JCC • I was born in this city [Cali]. I'm not from an ancestral territory. I was born in this city and I studied here. When I was around 18 or 19 years old, I looked for a way to go to the Cauca department, especially the northern part, to find my roots. The impulse to do so came from my [indigenous] last name. I began my journey on this path to community involvement in northern Cauca, namely in the Toez reservation in Caloto. I got involved in the cabildo, the Cauca youth movement and I joined the Indigenous Guard. That is where I felt this impulse to become a guard. At first, for me, it was just a distraction, but once you're on the inside, you start training to be a guard, you start to understand the organisational process... That is when the desire to carry the *bastón* [the colourful staff of the Indigenous Guard] is born. One starts to appreciate the process, the *bastón*, the Indigenous Guard. And well, that was how my community involvement began.
After a problem in my family, I returned to the city. Here, in Cali, I started working for companies. I still keep the memory of what I learned in Cauca alive and try to strengthen it, but there was a time when I was becoming disconnected from the issue of indigenous organising. And so, I started going to a place called El Parque de las banderas, here in the

city of Cali, where almost all our people meet. Our people: [indigenous] men and women meet up once every eight days. I had the opportunity to get to know many comrades in this park, to integrate and interact with one another. To hear stories. Some comrades would tell us about the problems they were having in the city. Every eight days, I met more and more comrades who were living in the city.

During that time, I had the opportunity to meet a group of women who had a foundation and were working on the issue of "home workers". That's what they call it because the expression "domestic workers" makes it sound like you're domesticating women, doesn't it? This is why they changed the name to "home workers". So, I went to help the foundation, which was headed by one of the women, who was the president (one of the founders), Carmen Rosalba Gurrute Sánchez, who is now my partner, my wife and the mother of my children. We got to know each other in this process of meeting every Sunday. Now, she's my wife and the mother of my children. We've been together for almost 12 years. That is when the family and community process began.

My oldest son, Sekyu Chindicue Gurrute, was born in our ancestral territory, the *Totoró* indigenous reservation (Eastern side). His mother has been passing all this wisdom, this knowledge of the indigenous organisational process, on to him. On this journey, Juan Diego Chindicue Gurrute [their second son] was also born. We were unable to organise it so he would be born in indigenous territory, so he was born in the city of Cali. From then on, all four of us began going out.

We'd take Sekyu to the marches. We'd carry him on our backs. The same with Juan Diego. They never knew what a stroller or a playpen was. None of that! Ever since they were little, since they learned to walk, we involved them in the guard and the community process. As time goes by, they are developing their own symbolism through their vests, their batons, their scarves.[11] Little by little, they are making themselves known and their training as Indigenous Guards is becoming more visible, not only in the city, but also in Cauca and in other parts of the country. They are children who are laying the ground for the Indigenous Guard because back then, there was little talk about children. [Our children] were pioneers. Many children would see them with their vests and staffs and started taking an interest in the issues of family, the community and the organising process. We've set an example as a family on the issue of the Indigenous Guard.

We continue to follow this teaching and we haven't stopped. On the contrary, we strengthen it every day.

Sur • Tell us about the significance of the *bastón* or the staff that members of the Indigenous Guard carry.

JCC • The insignia of the ceremonial staff [a 80-cm long staff made from a chonta tree] is a sacred symbol in the indigenous cosmovision. It is a connection, a bridge of energy, a source of spiritual connection.

The power of the staff is that it symbolises authority and indigenous autonomy. Many staffs are decorated with red and green ribbons. "Red represents the blood that has been shed in this millenarian process and green, beautiful and diverse nature".[12]

For us, the Nasa people, in the case of the men, the staff is our companion, our confidant, our wife, the one who accompanies us, who whispers in our ear and guides us. When a woman carries it, the staff is her companion, the one who accompanies her, protects her, guides her and whispers to her. In this sense, this symbolism is important because we have learned to respect both men and women. To value each other and respect each other, knowing that no one is more, nor less than anyone else. We are equal.

Thus, the staff is a symbol of authority, defence and resistance, but we will never use it as a weapon. The ceremonial staff is the insignia of the indigenous movement, which calls for unity and resistance as indigenous people.

Sur • How do you view yourself as a human rights defender?

JCC • I don't have a degree, like other comrades who graduated in human rights, who have studied between four walls, who have degrees and diplomas to show to the UN. I'm not one of them. For me, the fight for human rights was born on the street. Together with the same community that we've gone to defend against evictions, abuses from authorities such as the police and the army, or the municipal and departmental government. We have fought "tooth and nail" for them. We have been there for indigenous and Afro-peasant communities almost 24/7.[13] So, it was the communities we have supported and backed that gave us our credentials. And thanks to the credentials that they've given us, the institutions such as public and state forces have recognized our participation as human rights defenders.

This has not been an easy task because my family and I, we're volunteers. We devote ourselves day and night to the well-being of these communities, especially indigenous peoples. We give it all we got out on the groundwork. Being a defender hasn't been easy. I'm one of the ones who have been threatened several times. I've received written threats. I've been physically threatened and the government ignores us. We have always been denied protection from the state. But despite all that, we advance, we continue on with the confidence that we've always had. For example, I take public transportation, ride motorbikes, mass transportation, on the bus, in a "Jeepeto",[14] walk. I go out at any time of the night, knowing that I've done things right, for the well-being of a community.

This is why the request that we make is: more support. More support from the state, more support from authorities, more support from people and the community. Most people say that we, human rights defenders, are making a profit, we're getting rich or something like that. In my case, I'm a volunteer. No one pays me to do this. I do it with a lot of care and a lot of love; I'm 100% committed. I live humbly. I pay rent like everyone else, but this does not stop

us from appropriating this issue. As a human rights defender, as an indigenous leader, as an Indigenous Guard, which all of use from the different indigenous organisational processes are.

Finally, I would like to thank you for the space and opportunity to give visibility to the issue of the Indigenous Guard because we are all the Indigenous Guard! Not only the ones who wear the vest, the scarf or carry the staff; we all are. That is the strength of the indigenous movement or the structure of the indigenous movement. We will always defend life, no matter who it is, regardless of colour, no matter what! We are defenders of life and we will continue defending the territory and we will continue defending our communities and we will continue defending our symbols in the indigenous organisational process.

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Interview carried out by Sur Journal's *team in July 2020.*
Original in Spanish. Translated by Karen Lang.

Juan Carlos Chindicué and his sons.

"Count on us for peace, never for war!",
Kiwe Theg'Za, Millenarian warriors.

Photos: Juan Carlos Chindicué's personal archive.

NOTES

1 • "Componente Guardia Indígena," Consejo Regional Indígena del Cauca, [n.d.], accessed July 31, 2020, https://www.cric-colombia.org/portal/proyecto-politico/defensa-vida-ddhh-cric/guardia-indigena/

2 • Judicial system proper to indigenous peoples.

3 • La Gaitana was a 16th-century indigenous heroin, a Timaná cacique in the Colombian Andes who led her people in the fight against Spanish invaders between 1539 and 1540.

4 • Manuel Quintin Lame (1880-1967) was a Colombian indigenous leader who fought for the land and the identity of the Paez or Nasa people. He inspired several struggles, including the Quintín Lame armed movement, an indigenous guerrilla movement that was active from 1984 to 1991.

5 • *Cabildo* is a special public entity made up of members of an indigenous community, who are elected and recognised by the community itself, and that has a traditional socio-political organisational form. Its purpose is to legally represent the community, exercise authority and carry out the activities that the law attributes to it and in accordance with the uses, customs and internal regulations of each community. "Cabildo Indígena," Mininterior, [n.d.], accessed July 31, 2020, https://www.mininterior.gov.co/content/cabildo-indigena#:~:text=Es%20una%20entidad%20p%C3%BAblica%20especial,atribuyen%20las%20leyes%2C%20sus%20usos%2C.

6 • In the new Constitution of 1991, Colombia is recognised as a pluri-ethnic and multicultural state. The constitution contains provisions on the protection of indigenous communities.

7 • The El Nilo or Caloto Massacre was an attack on indigenous people from the Nasa ethnic group in the municipality of Caloto in the Cauca department on December 16, 1991 by members of the Colombian national police and armed civilians. See: "El Nilo", Rutas del Conflicto, [n.d.], July 31, 2020, https://rutasdelconflicto.com/masacres/el-nilo.

8 • On October 12, 2008, between 45,000 and 60,000 indigenous people from different ethnic origins, mostly from the Nasa ethnic group, came together to march approximately 120 kilometres, from Santander de Quilichao, in the Cauca department, to Santiago de Cali, in the Valle del Cauca department.

9 • Translation note: The "Cimarrona Guard" is the guard of Maroon communities.

10 • "Guardia Indígena y Cimarrona: Una Vida de Resistencia," Pares, March 21, 2020, accessed July 31, 2020, https://pares.com.co/2020/03/21/guardia-indigena-y-cimarrona-49-anos-de-lucha/.

11 • The "bastón", their baton or staff, is a symbol of the Indigenous Guard. Natalia Márquez, "Resistencia Pacífica: Este Es El Poder del Bastón de Mando en El Cauca." Pacifista, September 7, 2018, accessed July 20, 2020, https://pacifista.tv/notas/resistencia-pacifica-este-es-el-poder-del-baston-de-mando-en-el-cauca/#:~:text=Lo%20llaman%20bast%C3%B3n%20de%20mando,es%20un%20s%C3%ADmbolo%20de%20paz.

12 • "El Bastón de Kiwe Thegna Nos Motiva a Unirnos en La Resistencia," Consejo Regional Indígena del Cauca, October 16, 2019, accessed July 31, 2020, https://www.cric-colombia.org/portal/el-baston-de-kiwe-thegna-nos-motiva-a-unirnos-en-la-resistencia/.

13 • 24 hours a day, seven days a week.

14 • Editor's note: The interviewee is referring to Willys Jeeps and other four-wheel drive vehicles that have become a common (and economic) way of transporting goods and passengers, especially in rural areas in Colombia.

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CONVERSATIONS

"FOR ME, BEING A HUMAN RIGHTS DEFENDER IS REWARDING, BUT IT IS ALSO AN ACT OF COURAGE"

• *Interview with Indyra Mendoza* •

By Maryuri Mora Grisales

Sur Journal • Tell us a bit about yourself. Who is Indyra Mendoza?

Indyra Mendoza • My name is Indyra Mendoza Aguilar. I am from the city of La Ceiba, Atlántida, which is on the Caribbean coast of Honduras. The customs of the traditional cuisine of our region and the characteristics of the people from the coast are deeply rooted in me, even though I currently work in the city of Tegucigalpa and live in the municipality of Santa Lucía. I am fortunate to have grown up in a family in which the defence of human rights (maybe it wasn't called that back then) and art have always had a role. When I say part of the family, I mean that my grandparents were people who defended human rights in the mid-20th century – the rights of the men and women workers on the banana plantations. For years, they wrote and created art and poetry on this subject. As they were constantly denouncing what was going on, they were about to be executed by the government at the time and they had to organise their own defence.

It's interesting because even though there has always been talk in my family about defending others, standing up for ourselves and following the precepts of decent work for men and women, we were taught to love art. This is very important because CATTRACHAS, our organisation, is completely full of art – not only its walls and murals, but all the publications that we produce have a section on art. It doesn't matter what it is: if it's a report, there has to be art in it; if it's a book, one with art; if it's a presentation, with art. We love art and this environment allows us to get through the hours of working at the office on such difficult

issues as defending the human rights of LGTBI people in Honduras. Honduras was not only the most violent country in the world, with the most violent cities in the world a few years ago, but it is also the country with the highest murder rate of LGTBI people in Latin America and the Caribbean.[1] So, it is this combination of bringing out the historical roots of not only the defence but also art, which emerged over time in my family, that I have been able to install in CATTRACHAS[2] and have inherited. Many of our comrades also like art and have begun collecting art and enjoying it – enjoying life and defending human rights at the same time.

Sur • How did you get involved in the fight for LGTBI rights?

IM • With human rights. It was back in the mid-1990s, when I realized I was a lesbian. I only came to realize I was a lesbian when I was 28. I know that the people who have known me all my life always say, "But how can that be? You've been a lesbian ever since you were little". I know. They're not going to believe it, but I had never met a lesbian in my life before then and so, I didn't know how to identify what I was. I didn't really understand it. Obviously, I liked women. I have always been attracted to women, but this was a new phase, a new life. I have never been in the closet, but because I found myself so late in life, right? It's incredible! But back then, when I started meeting many lesbian and gay people (because back then, we were all lesbians and homosexuals; there were no other labels in our world), I began to realize that when the media spoke badly of lesbian or gay people, homosexuals or called us "inverts", "degenerates", "freaks", etc., it was up to me to do something. So, in response to an article written by a man in Honduras, I prepared a right of reply for the newspaper and I answered him. The article was called "Homosexuals, lesbians and other herbs" – I still remember it well and I responded with "my other herbs". I wrote something that I don't remember anymore, but it was the first time I had done an act of activism directly as a rights defender, in the year 2000. Obviously, after five years of meeting tons of people and going to bars that were also kept secret because before, if journalists found out where there was a hangout, "an ambiance" as they called it here, they would go there and want to stick their cameras over the fences and walls to see who was there and force them out of the closet. There was a lot of homicidal violence, but not as much as there was later, after the coup d'état.[3] And that is how CATTRACHAS was born.

Sur • Tell us a little about the situation in Honduras in relation to the work you do.

IM • My daily life. You know, different things happen in this country every day. Now, for example, during the quarantine, a 20-year old woman gave birth to her child in one of the country's public hospitals with her partner, a lesbian, and a social worker told her that they were going to take her son away because she was incapable of raising him. This inspires me because no one can, no one has the right to mistreat us, say whether or not we are good enough to raise a family, or whether or not we have the right to study or not, to work or not or to have access to education. This motivates me – knowing that we will never allow them to continue treating us however they want because we're not back in a time when we had no voice. Now, there are many voices in Honduras, many voices defending the human rights of LGTBI people.

Thus, when this kind of violation occurs, it gives me energy to fight discrimination and stigma. Even if it means working on a case-by-case basis, though we do want to change discriminatory laws, because one of our greatest achievements is having reached the Inter-American Human Rights System. Not only with Leonela's case.[4] We have the case of Vicky Hernández versus Honduras,[5] which is at the Inter-American Court of Human Rights. We have several cases: five cases in the System, a petition at the Constitutional Chamber in Honduras on same sex marriage. There is also the case on sex changes and all the lawsuits that we have launched in the last 10 or 11 years (since the coup d'état) as strategic litigation, which have to bear fruit.

In other words, it is not only a matter of fighting every battle, but also engaging in battles to change all these discriminatory laws. But there is still much to be done. Obviously, there is a lack of education, a lot of education. Not only in the formal part, but also in the cultural part and this will take some effort, but we have to start doing it.

Sur • How did CATTRACHAS come about and what have been its main challenges and victories?

IM • It was created to respond to the media. It was born with the intention of monitoring the media and then using the right to reply to respond. In the beginning, in the year 2000, we called ourselves Red de Respuesta Lésbica CATTRACHAS (the CATTRACHAS Lesbian Response Network). Why did we call it a network? It's not that we're a huge network with a ton of organisations or a lot of lesbians. We called it a network because everything we did back then was done on the phone (remember that back in 2000, we didn't have Internet like we do today, nor social media and all that). So, we were a telephone network. Back then, we began using our right to reply and monitoring everything that was going on, like we did for print newspapers. We would check the newspaper every day. Four people would do that and not only women; some gay men helped us do this. We would take the VHS and the news was on at 6 p.m. – so every day, from 6 p.m. to 7 p.m., I would watch the news with the remote control in my hand. As many people get morbid pleasure out of anything related to LGTBI people, the news channels would announce coverage of these issues in advance. So, we already knew what we were going to see on the news. I didn't record everything, but when they were about to report on it, 'Click!', I'd hit 'record', listen to the report and then stop recording. That way, we had proof of what they were saying and we sent in responses using our right to reply. This worked well for the right to reply. In the CATTRACHAS' archives, we still have a right to reply that I faxed to some people on an advertisement for beds in Honduras (there was a whole radio and television campaign to sell beds that used a prejudiced comparison between a "real blond" and a "transvestite blond"). Surprisingly, they responded saying that they were going to withdraw the campaign from all of Central America. It was all over Central America! They did pull the campaign and this gave us another major boost. Then, 2004 came, which was when Spain legalised same-sex marriage and also, at the same time, three LGTBI organisations (well, organisations of gay men and one of trans women) requested legal status from the Government of Honduras. This generated

an enormous wave of hate. The ripples of this wave can still be felt today. Through religious fundamentalism, Confraternidad Evangélica de Honduras (the Evangelical Brotherhood of Honduras) managed to get the national congress to amend the Honduran Constitution to define marriage as being between men and women who are born that way and prohibiting same-sex couples from adopting.

What happened in 2004 was impressive: they gave legal status to organisations only to work on the issue of HIV – that is, they didn't even mention that they were LGTBI organisations or anything like that. That was really when CATTRACHAS' great work and great story began, in 2004, not only because we [openly defended LGBTI rights], but also because we started conducting campaigns in the newspapers – real campaigns! We also went to Geneva and began taking the cases of the deaths much further. Several trans women were killed. One of these cases is that of Leonela, which currently appears in a background report of the Inter-American Commission on Human Rights as the victim of this first wave of religious fundamentalism. Then, we began to work harder. In CATTRACHAS, there has always been only a few of us in the organisation. In the past, there were four of us and now, there are eight of us – twice as many, 20 years later. This enabled us to preserve all the information that we've been keeping since then. Thanks to all this, CATTRACHAS has a spectacular documentation centre because we have been able to keep track of religious fundamentalism from that time onwards, of violent deaths since 1994. We have a wonderful historical source of documentation. The observatory – through which CATTRACHAS does it – is now stronger, more active and during the coup d'état in 2009 (which was another hallmark in the history of LGTBI people in Honduras), we were able to record and gather evidence on not only what was going on in the streets with the resistance, but also what happened in the media and everything that the perpetrators of the coup were doing. This information on the streets can be watched on CATTRACHAS' YouTube channel.[6] The point is that this was when the organisation was born and was strengthened. We have long-standing, life-long allies in our organisation – allies who have always been there for us and it's great because it has strengthened us and allowed us to focus definitely on what we want to do.

One of CATTRACHAS' major accomplishments is that we have forced the state of Honduras to recognise us. Although they do not want to recognise our rights legally, there isn't a space related to human rights mechanisms left where they do not have to talk about LGTBI people. We have over 100 recommendations from the various mechanisms – both regional and universal ones of the United Nations system and on human rights related to LGTBI people – and this is thanks to the shadow or alternative reports that CATTRACHAS has produced. Therefore, the fact that now, the state has to recognise that we exist at all times and in every step that it takes is a huge victory!

Another important victory, in my view, is that these new generations are no longer born in the closet. They don't live in any closet, as they have a bit more freedom. Obviously, lethal violence against LGTBI people exists and there is a lot of discrimination. But the closet killed my generation. The closet! They lived in the closet so long that it affected their lives. In fact,

many people were murdered, many died from HIV and many have never even come out of the closet and perhaps are now living unhappy lives and that's bad! It's tragic! I believe it's the worst thing that has happened to us – not being able to tear down the closet in this society because it is still highly discriminatory, stigmatising and violent toward us. This also makes my work as a defender important, not only because we have literally saved many people's lives through CATTRACHAS, but because we have helped many people be happy and this is wonderful. This has really given us a lot of satisfaction. We are brave, very brave because we are aware of the situation in Honduras – a country where there is a lot of migration because of so much violence, so much economic inequality, so much educational inequality.

During this time of Covid, there is "Covid phobia" like you wouldn't believe. In CATTRACHAS, during the Holy Week and in the first weeks of the pandemic and the quarantine, we realized that there was a Covid phobia and we were the first ones to come out with media campaigns to denounce it. Why? Because all these expressions of stigma, hate and discrimination that have been historically directed at LGTBI people are now being directed towards people infected with or affected by Covid. So, all of us could feel it in our bodies. We felt it. Our bodies trembled when we saw the reports saying that they wanted to remove people from their homes, that they didn't want to bury the bodies, that they wanted to set fire to the centres where the people went for testing. This hatred that surfaced – that is Honduras.

There is a lot of hate in this country because our leaders are dangerously ignorant and they are incapable of recognising what things cause hatred, contempt and discrimination. The mainstream media also profits from this hate to increase their ratings and religious fundamentalism has joined forces with these media channels to wield power. The religious fundamentalists appeared in 2004 and they have changed the Constitution and everything else. Since then, they have gained a lot of power. In fact, they have a lot of power because they took on the LGTBI agenda and they want to destroy LGTBI people. Religious fundamentalism is eating away at democracy in this country, but the people don't realize it because it's impossible to speak out against the pastors. It's impossible to speak out against religious fundamentalism because everyone thinks that we are attacking people's spirituality, but we're not. Honduras is a secular country and the other side of a secular state is religious freedom, being free to believe or not. And they are violating all rights, all the rights of all people. So, that is the situation in Honduras. For me, being a defender is rewarding, but it is also an act of courage.

Sur • How do you motivate yourself to continue on a daily basis? Do you use individual or collective self-care practices?

IM • What do I do to keep from sinking into despair every day? Oh, no, there are many things that I do for fun. I really have a great family. I am into numismatics – that is, I have been collecting coins, bills, tokens and medals for many, many years. I have theme collections. I've written several books. I have story books for girls and boys and I've written lesbian short stories. But I love collecting coins, love it. So, it's something that I fill my day

with. I mean I can talk about coins, go to numismatic coin conferences. I have friends who are into numismatics. I'm always asking people for coins. I love coins. I also connect a lot of things. I'm a collector – I collect antiques and I also like art and books a lot. I have a collection of radios. So, I like to collect things, but most of all, I love playing with coins.

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Interview conducted by Maryuri Mora Grisales in July 2020.
Original in Spanish. Translated by Karen Lang.

Photo: Indyra Mendoza's personal collection.

NOTES

1 • "El Prejuicio No Conoce Fronteras: Homicidios de Lesbianas, Gay, Bisexuales, Trans e Intersex en Países de América Latina y El Caribe 2014-2019," SInViolencia LGBTI, 2016, accessed July 21, 2020, https://colombiadiversa.org/colombiadiversa2016/wp-content/uploads/2019/08/Informe_Prejuicios_web.pdf, p. 23.

2 • Red de Respuesta Lésbica CATTRACHAS, Homepage, 2020, accessed July 21, 2020, https://cattrachas.org/index.php/es/.

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5 • For more on the Vicky Hernández case, see: "CIDH Presenta Caso Sobre Honduras a la Corte IDH," OEA, May 9, 2019, accessed July 21, 2020, https://www.oas.org/es/cidh/prensa/comunicados/2019/112.asp.

6 • Their website is www.CATTRACHAS.org and in YouTube, they can be found at YouTube CATTRACHAS, always with a double t.

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IÊDA LEAL: "OUR BODIES ARE TARGETS"

• *Lessons learned in the anti-racist struggle to defend human rights* •

By Luiz Franco

Since the violent colonial period, defending human rights in Brazil has been a matter of survival for many people, especially black and indigenous people. Despite the historical social and political changes that have occurred in the country, which ended its system of slavery in 1888, racial inequality is still rampant.

Today, the country is a "liberal representative democracy"[1] that aims to guarantee the basic rights of its citizens. However, this representation is still predominantly white and male and pertains to the country's economic elite. As activist and educator Mônica Oliveira observes, "The Brazilian black population has never fully enjoyed the democracy that we live in and have fought so hard for, especially in the current context".[2]

The discussion on what it is like to be a human rights defender today puts the urgent need to combat existing inequalities and discrimination, among other issues, into perspective. It is thus important to mention that human rights defenders[3] are surrounded by challenges, especially black people who defend human rights in Brazil, as they are constantly fighting institutional and structural racism, social inequality and for the end of the genocide of black people.

According to Sueli Carneiro, "over the past 25 years, we have seen many rich actions to fight racism being developed".[4] Even so, barriers to the effective recognition of the rights of the black population in the country still exist. In response to the demands of the black movements, other associations and groups began incorporating racial issues into their agendas, thereby opening windows of opportunity for the creation of new networks to combat the multiple facets of racism together.

Black movements in Brazil have historically sought to build and defend political representation and rights for the black population. This is the case of the Movimento Negro Unificado (MNU or Unified Black Movement), one of the coalitions leading black resistance in Brazil.[4]

To contribute to a better understanding of the actions of the black movement in Brazil, the current context and the challenges of black human rights defenders, Iêda Leal, the National Coordinator of MNU and Secretary of the Combat against Racism of the Confederação Nacional dos Trabalhadores em Educação (CNTE or the National Confederation of Education Workers) shares the story of her life as an activist in the interview below.

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Luiz Franco • Do you consider yourself a human rights defender?

Iêda Leal • Yes, I do! My degree in Education (Pedagogy) and my activism in the black social movement allowed me to increase my involvement in the defence of human rights.

LF • Based on your experience, what is your analysis of the actions of human rights defenders in Brazil, especially black rights defenders, in recent decades?

IL • It has always been a challenge and I've worked alongside people who believed in building a better world. In this country, it is very complicated for people who are guided by the principle of valuing human beings more than material goods to engage in action because in the current context, human relations are anchored in the unbridled exploitation of the black and most impoverished people.

Therefore, the task of enforcing compliance with international and national treaties – for example, the Federal Constitution, state constitutions, legislation related to the defence of life and the Public Prosecutor's Office – becomes something we have to do daily. The same is true of organising knowledge on how to address the situation and defend life, which means going against the majority who do not believe that guaranteeing life is always what is best and what is right!

In recent decades, we, black women and men, have appeared in the cruellest statistics because our rights have not been respected and because we faced the impossibility of surviving in the country we built. This proximity to chaos allowed us to reorganise in order to occupy spaces of power and directed us towards more engaged action to draw attention to our rights and to orchestrate our struggle racism better.

Black rights defenders who work collaboratively are necessary and have played a fundamental role in reflections on the effective participation of black people in debates. They facilitate effective action against all kinds of discrimination.

LF • How do you view the struggle of black human rights defenders' against structural racism in the country?

IL • It's a very hard struggle! Just imagine what it's like to fight against the structure that sustains our society. Every time the community organises, mechanisms appear to destroy the opportunities, but we have already learned and we understand these mechanisms. We stick together and remain attentive to study the enemy and defeat him.

We cannot give up. Structural racism in Brazil discourages people from fighting. We need to understand this to be sure of our interventions, of our engagement with all levels of government, in the economy, in health, education, sports and leisure, security and any other space where we can intervene. We have to be alert at all times and try to stop the perpetuation of racism in the structure of our country.

LF • What are the greatest challenges for working on the agendas of the black movement and, in parallel to this, what has the transition between agendas and struggles in the past few years been like for human rights defenders in Brazil?

IL • The society we live in is totally racist. Racism is rooted in its structures and so, for me, promoting the debate is fundamental and ends up being the biggest challenge, which is to bring together the agendas of the black movement to defend them collectively and fight for inclusion in spheres of power and decision-making in society while intervening in discussions everywhere we can.

The most challenging thing is to ensure that this agenda is, in fact, respected and debated – not only by the black movement, but by all of society. This is a constant challenge.

We have gone through a very complicated period in our recent history, which involved the political persecution of the leaders of social, union and student movements. This persecution took the lives of many people. In recent years, we have become involved in defending guarantees of life to make people realize that denying people education, health, housing, food, sports, culture and leisure does, in fact, take lives!

The situation is also aggravated by the fact that racial relations are based on the elimination of black bodies from society. We are an easy target for the police, who shoot before asking for names and invade homes and open fire without respecting the homes of black people throughout the country. That is not to mention the arbitrary arrests and unresolved cases that get shelved, with no defence – just convictions.

Bringing this discussion to light makes society take note that defenders of black people exist and that we fight so that everyone's rights are fully respected.

LF • What is the MNU's view on working in a network such as, for example, the Coalizão Negra por Direitos (Black Coalition for Rights)?

IL • Exactly 42 years ago, the MNU realized this, that all forms of organisation that are in line with our struggle are just and important. This helps to expand our rights and our work with networks on the defence of human rights, especially the rights of black people. The MNU was able to set the example in the past, but it now needs to engage in dialogue with all initiatives that emerge in order to further the fight against racism. We are part of this coalition movement that fights for rights, which is very good because we must take action at the local, state, national and international level. I think that this is the way to go. Join forces to fight racism.

LF • How do you see the actions of black women in the black movement?

IL • Our collective action as black women is so fundamental that in 2015, in the Black Women's March, we mobilised over 50,000 women for the demonstration in Brasilia.[5] Through black women's organising and guidance, the black movement is being reorganised and this is good.

We aren't forgetting black men. We're not forgetting to take care of the elderly. On the contrary, we inaugurated a very collective way of embracing, organising and reorganising the black movement for the struggle. The women have set an example by following the road to the good life. For us, that's what the good life is: collectiveness, the respect and conviction we feel when we carry out actions in a more collective way. To understand that we are part of a legacy of memories of struggle and resistance.

LF • Which self-care practices do you adopt in order to continue mobilising in a context marked by difficulties and challenges?

IL • Actually, we forget about self-care a bit because we get swallowed up by our routines: we are always busy fighting racists, sexists, against LGBTQphobia, running after our rights. We get so involved that sometimes, we forget about self-care.

The one who drew my attention to the issue of protecting ourselves more, of knowing how to enter and leave places, our individual protection and of preparing ourselves physically to

defend ourselves from all kinds of violence was Angela Davis. During a meeting with the black movement in São Paulo,[6] she spoke about the importance of black women organising themselves for self-defence from both a physical and intellectual point of view.

Therefore, we must always be prepared for an attack. It was important to remember that we need to protect our bodies and minds. I confess that I have become more organised, but there is a need to extend this dialogue to the entire black women's movement to strengthen our care collectively. We need to understand that in this country, when we go out, our bodies are a target. We must keep this in mind to guarantee our lives. Black lives matter!

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Interview conducted by Luiz Franco on January 27, 2020.

Photos: Iêda Leal's personal collection.
In the second image, the encounter with Angela Davis.

NOTES

1 • Rafael Oliveira, "Democracia Não Democrática: Como a População Negra É Sub-representada na Política," *Boletim Economia e Política* 49, no. 49 (May/2016).

2 • Monica Oliveira, "Sem Igualdade Racial Não Há Democracia." FASE, November 16, 2016, accessed February 10, 2020, https://fase.org.br/pt/informe-se/artigos/sem-igualdade-racial-nao-ha-democracia/.

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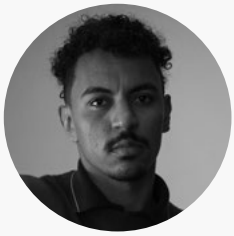

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CONVERSATIONS

BUILDING PEACE

• *North and East Syria's Women's House* •

Interview by Rojava Information Center

Thanks to the primarily-Kurdish female fighters in the YPJ militia, many people now know that a women's revolution[1] is underway in North and East Syria (NES), the autonomous region more commonly known as Rojava. Women are organizing autonomously in civil society, and participating as co-chairs with guaranteed 50% representation from the highest levels of the new administration all the way down to the communes which are the building-blocks of local democracy.[2]

Among the busiest and most vibrant centers of the new democracy in NES[3] are the Women's Houses, centers which can be found in each of the region's cities and towns. Their doors are open to any woman seeking assistance, advice or mediation from a team of local mothers, grandmothers and female community leaders.

To understand more about these unique institutions, we spoke with Ilham Omer and Bahiya Murad, founders and co-chairs of the original Mala Jin (Women's House) in Qamishlo and members of the Women's Council of Justice in the Jazira region of NES. The interview was conducted by Rojava Information Center[4] on March 29, 2020, and has been edited for length and clarity.

Ilham Omer and Bahiya Murad. Photo: Rojava Information Center.

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Rojava Information Center • How did the Women's House project begin?

Ilham Omer • Our political organizing among local women has been going on for years, but in secret. I became deaf in my right ear following a beating at the hands of the regime in 1988. They didn't accept that women were organizing autonomously.

When we began to work openly, on March 20, 2011, we were both excited and afraid because we knew of the difficulties that we would face. We were thinking about how to set women free and permit them to live on an equal basis in their family and their neighbourhood and how to help women know themselves better and to organize themselves politically within their society.

At that time, we were the only three members, and so we encountered many obstacles. We often sat and discussed how we could come to be accepted by our society.

RIC • How does the Women's House go about its work?

Bahiya Murad • When a woman faces a problem, first, we sit down separately with the wife and discuss with her and then, with the husband. Then, we gather them together to discuss their views, understand one another and come to a common understanding.

Our aim is to solve problems through dialogue,[5] without resorting to the courts. When we cannot solve a case, we refer it to the Court of Justice.[6] But often, they send the case back to us because we are more capable of bringing about reconciliation and consensus.

This is the opposite of ISIS's thinking: we are organized as a group, without hierarchy; an equal system in which no viewpoint is imposed from above.

IO • The women who come to us have nothing, just hungry babies in their arms.[7] We are happy to sit and discuss with them for three hours. We don't approach them with any force – just as women, as we have learned to discuss matters as mothers. We hear both sides, advise and try to find a solution.

We go to the families and discuss the problems and make sure everyone knows what rights they have. Often, we approach the situation on the basis of people's views. If they are Muslims, we ask why they go against Islam.

BM • In 2014, the Autonomous Administration of North and East Syria adopted new laws on women's rights.[8] They were absolutely necessary because in our society, many young girls and women were being married off, raped, subjected to abuse. Particularly in times of war,[9] backwards practices come to the fore.

As the Women's House, we see the need for these laws, which protect women and families, children and men and enable us to resolve disputes that emerge in couples. They also ensure people's rights are respected when a divorce takes place.

IO • But we don't always accept the courts' decisions. In Heseke, a man killed his wife and was sentenced to only four years in jail. We brought hundreds of women to the streets to protest and they changed the sentence to fifteen years.

We have also taken a lot of initiatives in the economic field. We have provided employment opportunities for women,[10] such as those who are getting divorced, fleeing abusive relationships, whose husbands died in the war or who otherwise need support. This allows them to develop autonomy. We have also set up refuges for women so that they have somewhere safe to go if they need to flee the home.

We also conduct parallel educational projects and give lessons to academies, families and in the communes[11] [the neighbourhood and village-level assemblies which are the building-blocks of direct democracy in Rojava]. We gather together women from five of the communes and deliver education programmes on, for example, women's rights or the dangers of the ISIS mentality, or perhaps we bring a women's doctor there to discuss women's health issues. We even have our own radio show.

RIC • Can you give some examples of cases that you have worked on?

IO • In the early years of the revolution, there was still no security service. We discovered that a woman was being abused and kept in her home against her will. We didn't have any guns or anyone to protect us, but as we pretended that we were interested in buying the home, the man let us in. I said I needed to go to the kitchen and saw that the woman was chained there. We were able to rescue the woman, find work for her as a tailor and a safe place for her to live with her children.

BM • Up until now, most of the cases we have seen are related to female teenagers who come to us seeking a divorce. In our society, divorce has many consequences and is seen as very grave. For example, in an Arab area, a girl might be expected to marry at the age of 14. We speak to her and ensure that her right to make her own decision is respected.

IO • Especially because of the war, people became very poor and so, they seek to marry off their daughters at a young age [to receive a dowry and have less mouths to feed at home]. We also deal with cases where men are seeking to remarry even when their current wife lives in poverty, or go to Europe and abandon their wives, leaving them without a breadwinner. We collect money for families who need financial support or those who are sick and cannot work and support women who want to leave home and study. There are also orphanages for children whose families can't afford to care for them.

On the other hand, sometimes women want to marry but their families don't allow it. We speak to the man and see if he is a good man and if so, we speak to the family... and get invited to the wedding in the end![12]

RIC • How has the project spread and developed?

IO • Our work started in Qamishlo. The first Women's House opened here. The second opened in the city of Afrin, which has now been occupied by Turkish forces. After that we opened another one in Kobane and continued expanding into other regions. When new territories were liberated from ISIS, we opened a Women's House there – in Til Hemis, Til Kocher, Til Berak. One year after Raqqa was liberated, we travelled there and set up a Women's House. We give a lot of importance to our projects in Raqqa and other Arab regions[13] such as Tabqa, Manbij and Deir-ez-Zor. There are twenty Women's Houses now. More recently, two new houses have been set up by the Syriac Christian community. Our Christian sisters also struggle with a lack of rights in areas such as divorce.

BM • At the Qamishlo Women's House, we used to deal with 70 to 80 cases a month. Now, we're down to 30 to 45, but this is because we've been successful in our educational programmes and in transferring responsibility to the local communes. Women can now discuss their problems there instead.

RIC • How are women's rights evolving in North and East Syria?

IO • The war in Syria, and in Rojava in particular, has brought a lot of damage and suffering[14] and required many sacrifices. Women, in particular, paid a high price[15] in this revolution to defend themselves, their families and their societies. Thousands of women from Idlib, Tel Abyad, Sere Kaniye and Afrin are suffering in tents in refugee camps because their houses have been destroyed.

On the other hand, before the revolution, women were the victims of a lot of abuses. Their rights were not recognized. They lived in hardship and violence. But that was hidden and no force would support them. Now, thanks to the revolution, great changes have been carried out. People's mentalities have evolved. Equality has advanced. Our society is correcting its mistakes. A lot of women have sacrificed themselves for the freedom that we now enjoy.

To keep going forward, education is the most important thing. We need to make sure that the rights which women have won are passed on to their children. We need to install the rights of women in the hearts of fathers and men.

RIC • What difficulties do you face in your work?

IO • We have particularly encountered difficulties with our Arab brothers and sisters because of the tradition of polygamy, and the fact that they often took children as wives. Now, this is officially forbidden and so, many people have come to support us. But we still face dangers. Several years ago, men attacked me as I was walking to the Women's House in Qamishlo. They grabbed me and tried to throw me into a van. I believe they were linked to the Syrian regime. Last year, the Women's House in Deir-ez-Zor was attacked by men on motorbikes with machine guns.

BM • In the past, people called Mala Jin the Mala Berdanî ('House of Divorce') or the Mala Xirabî ('House of Destruction'). They accused us of promoting divorce among the people and spreading discontent. Now, people have come to understand that we are not a place of divorce, but rather an institution that endeavours to solve problems and to reconcile society – both men and women.

IO • Now, even men come to us when they have problems – for example, there was a man linked to the regime whose wife hit him and split open his head and even he came to us for help.

RIC • How are you spreading these ideas?

IO • Now, the territories of the Autonomous Administration have expanded and different communities among the IDPs come to us for assistance in solving their problems. We work to support women who have lost all their rights, to create a healthy society and to prevent abuses, placing special importance on our work in Arab communities and those recently liberated from ISIS. We have three teams working in camps among women who joined or lived under ISIS.[16]

This is very hard work, but we have seen some changes. For example, there is one German woman who used to call me "kuffar" [infidel] and always wore a niqab. But we talked at great length and now, when I see her in the camp, she walks about with an open face. The kinds of education programmes that you need for these women are different from the ones for women in civil society. It's something we are working on with [the local women's movement] Kongreya-Star:[17] to bring deradicalization programmes to Hol Camp [home to 10,000 foreign, ISIS-linked women and children, plus 60,000 locals, many with ties to ISIS].

A project like ours doesn't exist anywhere else in the world, but these ideas are spreading. Now, women's councils are being set up in Europe based on the methods we have created in Kurdistan. We are ready to speak with women anywhere in the world by WhatsApp and help them set up similar programmes. We are also pleased that volunteers and revolutionaries[18] come to us to work with us and support human rights together. We thank them and pay tribute to them. This shows that humanity still exists in the world.

We are not politicians and we are not soldiers. We are mothers whose children were lost in the war against ISIS and Turkey. All we want is peace – but it takes work to build peace.

• • •

Interview conducted by Thomas McClure (Rojava Information Center) on April, 2020. Original in English.

Women's House. **Photo:** Rojava Information Center.

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ESSAYS

A DREAM OF A NEW POLICE FORCE
Coronel Íbis Silva Pereira

"I'M A HUMAN RIGHTS DEFENDER"
Ishtar Lakhani

THE ART OF PROTECTION
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ESSAYS

A DREAM OF A NEW POLICE FORCE

Coronel Íbis Silva Pereira

ABSTRACT

In Brazil, where history and reality are marked by slavery, racism, inequality and violence, the police function as a death machine. The blatant use of lethal force by the police in the country exposes the urgent need to revamp the structure of the public safety system itself. One police colonel from Rio de Janeiro dreams of humanising the police. He argues that police work is, in fact, care work and believes that it can be adapted to ensure that it is based on a commitment to the promotion and protection of human rights.

KEYWORDS

Necropolitics | Police | To humanize | Human rights

[...] there is a need to give the police back the 'head' and 'heart' that were removed during their training. There is a need to allow them to 'think' and 'feel'. So they can 'act' from a place of human integrity.[1]
Carlos Magno Nazareth Cerqueira

At the time I was born, monks were setting themselves on fire in a protest for recognition and dignity. My mother told me this story. She saw those religious men in Saigon as a terrible grandiose indication of the extremes to which human beings will go in search of some happiness in this world. Early on, faith presented itself to me as a fundamental dimension of life that compels testimony. In my youth, I discovered in Liberation Theology a commitment to the good news of a kingdom of peace and justice where despair and humiliation had no place.

Just before my twentieth birthday, burdened by necessity, I decided to apply for a place at the Military Police Officers' Training School in the State of Rio de Janeiro. It was the beginning of the 1980s. Brazil was governed by a general, but the dictatorship was on its way out. It was a time of change, of re-democratisation and this was also affecting the Military Police. The challenge at that time was to extricate the Military Police from the theoretical and operational hallmarks of national security doctrine.

I would like to say something here about the promise of the Democratic State. We pledged to create an operational policy for the Brazilian police force that was not within the bellicose model. However, further investigation of this matter would take us too far. I am forced to adjust to the narrow limits of this article. I would like to raise some points and reflect on the use of force in the militarised context of public security. I wish to speak about war and (in) humanity. I have no intention of offering solutions. Succinctness has never been my strong suit. Moreover, after living for half a century, I find I am becoming less and less prone to certainties and more and more prone to questioning.

One of these lines of inquiry leads me to my joining the Military Police. In our lives some occurrences manage to escape the quick sand of oblivion. My first class on the officers´ training course in 1983 is one of these moments. I joined the Military Police on 1 March of the same year and was introduced to the ideas of a police officer called Carlos Magno Nazareth Cerqueira, who was Commander General and Secretary of the Military Police during the terms of government of Leonel Brizola. This meeting was a landmark on my professional path.

The Military Police has a time frame. The past impacts on its present, which is true of all existence. As with humanity, in institutions time also makes itself known through its momentum and in the form of trends. Its past originated in the Military Division of the Royal Guard of the Police, created in 1809 by the prince regent. Until then the Force had been headed up by just six officers from its own ranks. The rest were from the Brazilian army. Nazareth Cerqueira was the first black man to occupy this position in the 174 years of its history.

When he arrived in the auditorium of the School we all rose to our feet, as one soldier. He was a tall, slim, elegant man. He moved slowly and spoke so quietly he was almost inaudible. Even with a microphone and a sound system in good working order, listening to him required a certain effort. He was not a good speaker. He would stop mid-sentence to choose his next words with care. This break in the flow of an idea would sometimes last several seconds. Nazareth Cerqueira was a thinker. It made you want to do the same. He was a unique speaker and used to choose provocative subjects: "Hated by the marginalised sectors of society, the Military Police holds neither the confidence nor the trust of the people. Why?".

I used to make sure I had a notebook with me and would take notes on the main issues he touched on which were always a source for reflection. Classes and instigation. People´s discomfort was apparent. The Commander General asked us to think about why the public were scathing about the police and linked loss of respect to police violence, above all in their treatment of the underprivileged. It was on that day that I heard the expression "Nova Polícia" (New Police), as a challenge to build a police institution aimed at ensuring and promoting human dignity. Years later, Nazareth Cerqueira was to explore this same subject in articles published by the Carioca Institute of Criminology.

> *To view a commitment to the protection and promotion of human rights as an attribution of the police and thus reaffirm the idea of ethical legal policing which for us, means the subordination of policing techniques to ethical legal values. This will require a new formulation of police efficiency and efficacy [...]. The corpses of criminals cannot serve as indicators of success [...].*[2]

> *I have been working on this theme and have sought to show police officers that the arbitrary unnecessary violence, adopted by them against criminals and suspects ends up damaging their own physical and psychological integrity.*[3]

I was used to seeing faith as a commitment to love. To my ears those words were as heady and precise as the music of Bach. The human adventure takes place in our concern with our fellow men and women, in coming close to others without showing indifference to their suffering. This meant not killing and the vocation to live for others. I realised that for Nazareth Cerqueira, the role of the police involved caring for others. As a practice of caring, police action demanded feeling and the attention that comes with reflection. It was reflection and poetry. After hearing things like this, in a police barracks in 1983, I started to long for that new attitude. My mind had been awakened in the same way that the verses of Siruiz awakened the mind of Riobaldo.[4]

The daily life of Brazilian public security could not have been further from this humanistic perspective which was an apparatus that ripped reflection and poetry to shreds. Over the years, according to Nazareth Cerqueira, the attempt to overcome the militarisation of

police work, through the "democratic construction of public order" failed. How could it be otherwise in a country structured around racism, inequality and violence?

I was to discover this in my daily working life, as soon as I completed my course. There is a need at this juncture, to speak of slavery and its heritage, a point that needs to be revisited often as it still lives among us. In Brazil, the authoritarian manner of handling public order is a modern-day version of ancestral cruelty of a kind that is inherent in the discipline required for a type of social organisation that is structured around the human body being tortured and reduced to a beast of burden. The basis of the slave-based society, that we still live in to some extent, is death labour.

This method of crushing people, that Darcy Ribeiro called "a mill for grinding people down",[5] has led to a hierarchical society that normalises inequality and exclusion. This is why we are tormented by the idea of order. Any disturbance of the reality considered "normal", even if this is based on the most inhuman and intolerable of injustices, is an affront to the way we have established our existence, legitimating the use of punitive power, in the name of radical confrontation of danger, represented in the figure of an enemy. If there is an enemy there will be war and the pretext for instituting an exception and exercising the right to kill.

This mechanism has an engine. I had not, until then, identified it in the order of matters. It was a shock when I did and this happened when I first entered a police station. I had been called in to help some of my colleagues from the civil police with an insurgency. At that time, some districts held provisional prisoners awaiting resolution of their cases in the courts. There were a lot of them. They were rioting about the food that had arrived in an unfit state for human consumption, as I was able to confirm. They were crammed into cubicles that were as filthy as the food they had been given. The smell and the heat were unbearable. They were all black! I was not at high sea, like the poet, but I was indeed in the belly of a slave ship.[6]

It is essential to acknowledge that in Brazil the fuel that drives this ´mill´ is racism. In essence, racism is a technology at the service of domination. It is a tactic to establish incompatibility between different lives. For one group to exist, the way it does, other groups have to be subordinated. Discarded. They were right there, before my eyes, in that police station. The colonial past of slavery, still alive in our structures and apparatus, functioning and operating in the relationship between the state and human misery.

This historically instituted social brutality, gained an air of science in the 1950s with the incorporation of the National Security Doctrine. It became a philosophy for the forces of order, so to speak, sparking manuals, work protocols, training programmes – a mentality. The permanent state of war, that we had experienced since the early days of colonisation moved up a notch with the military dictatorship, acquiring intellectual and operational fibre. Even under the citizen´s Constitution, police forces continued to be inspired by the discourse and practices of war. We transformed the fight into the subversion of communism

in times of Cold War and into constant mobilisation against drugs. The war on drugs gave militarisation renewed impetus and was introduced as an ideology for the Doctrine of National Security, in the midst of the Democratic State of Law.

When people ask me: "Why didn´t you give up?" I remember Pascal: "The heart has its reasons which reason knows nothing of."[8] The challenge, which still fascinates me until this day, is the idea of humanising essential working conditions and the possibilities for change in police activities. I was an officer though and it would have been more complicated if I had occupied a lower position in the hierarchy. In fact, our model of policing is not very helpful. It has a peculiarity in this sense that needs to be addressed.

The particular way the Brazilian police force was designed makes the situation worse, especially with regards to what is known as structural racism. In Brazil, the ostensive police are unable to investigate common crimes which means Public Security Forces are drawn in to look for offenders. As the "brute labour of criminality"[9] is linked to life in precarious conditions, the combination of a ´militarised policy´ without an institutional framework to articulate consistent, lasting action within the three spheres of political power, along with a schizophrenic policing model,[10] means the war on drugs and the so-called ´fight against crime´ has largely mutated into a war on those who are the most likely candidates for criminality: the poor, black youth of the favelas.

As I write this article, we are living through a pandemic that has already taken the lives of 50,000 people in Brazil. In Rio de Janeiro, the Institute for Public Security recently published figures pertaining to violence in the month of April 2020. In the first four months of this year, the Rio de Janeiro police force killed 606 people. In April alone, 177 suspects were killed in police operations. In 2019 this figure reached a shocking 1,814 people, almost five deaths a day.[11] National data is not much different. According to the Brazilian Forum for Public Security, 2018, Brazilian police officers killed 6,220 people in the ´fight against crime´.[12]

There is another aspect to consider. Nazareth Cerqueira always drew our attention to the effect that the abuse of force has on police officers and the impact of producing a person who is capable of killing. Simone Weil, a French philosopher who dedicated many studies to the causes of oppression, also warns us about the subtlety of the power of death work:

> *The force that kills is summary and crude. How much more varied in operation, how much more stunning in effect is that other force, the sort that does not kill, or rather does not kill just yet. It will kill for a certainty, or it will kill perhaps, or it may merely hang over the being [...]; in all cases it changes the human being into stone. From the power to change a human being into a thing by making him die, there comes another power, in its way more momentous, that of making a still living human being into a thing.*[13]

All those who work in the police force should be alerted to this equation – anyone who overreaches him/herself is condemning something in their soul. Something in the killer dies, along with his/her victim. As Marx perceived, the use of power involves a kind of fatality.[14] In the monopoly of violence, in this condition in which some workers are valued over others – in any division of labour that determines that some people will give orders while others will obey – those who oppress are, in some way, also oppressed. I see people like this in many positions of power, not only in the police. I have seen this in human beings who have been changed by a job that has made them alien to themselves.

The great risk to the integrity of police work, in a complex environment such as ours, is the passionate use of force. Avoiding exaggeration is always difficult, because force is seductive. Dominating, giving orders and subordinating another human being engenders a demonic kind of inebriation, a need for death. Force corrupts and promotes tormented kinds of identity and ways of living, of which the *'milícia'* is an eloquent example.[15] Incredible though it may seem, it is also possible to live off violence.

There is a need to create antidotes against this peril. I have tried to do this and have mostly failed, except for once, perhaps. Towards the end of my career I returned to the Police Officers´ Training School to run it. One day I assembled the unit for a presentation of poetry and music. My festival ended with a concerto, Tchaikovsky´s 1812 Overture. I asked a commander to send me officers from the front line. I wanted to share the experience with those souls who were damaged by the streets. They came with their families. I saw some of them crying.

Nazareth Cerqueira was spot on. He realised that only an emotion can defeat another emotion. If sad emotions cause violence we must respond with joyful emotions. Opening police institutions up to art and reflection could help. Hannah Arendt taught us the close relationship between reflection and ethics: "The manifestation of the wind of thought is no knowledge; it is the ability to tell right from wrong, beautiful from ugly."[16]

Government action that neglects police lethality condemns the humanity of these public servants. At the end of the day, brutalisation wins, democracy loses and death starts to reign over everyone as a policy. Necropolitics.[17] The result is the devastating scenario in which our police officers are working. According to the Brazilian Security Forum, in 2018, 343 police officers were fatal victims of violence. One hundred and four of them committed suicide.

Our police officers are sick. They suffer and cause suffering. A lot of warring and little public policy has changed men and women into desperate creatures, although most of them are unable to understand the nature of this Evil. Desperation that is ignored and actions that will turn against the agents themselves. Strange sad labour. As Nazareth Cerqueira says in one of his texts in the 1990s: "The scenario of police violations [...] is creating a police force that is violent and dangerous to both criminals and the public."[18] I would venture to add that it is also ruinous for the police officers themselves.

The instigations Nazareth Cerqueira presented on that Tuesday morning are still pending action on our part. Until we reformulate our way of understanding and handling the criminal phenomenon, radically modifying police working conditions, the dream of police officers who are committed to the promotion and guarantee of human rights will continue to be the charming illusion of an exceptional chief of police and many others like him who still admire human beings and to see in our work in the world an opportunity to perfect our humanity.

NOTES

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2 • Carlos Magno Nazareth Cerqueira, "Políticas de Segurança Pública Para Um Estado de Direito Democrático Chamado Brasil," in *O futuro de uma ilusão: o sonho de uma nova polícia*, Carlos Magno Nazareth Cerqueira (Rio de Janeiro: Freitas Bastos Editora, 2001): 82.

3 • *Ibid*., 205.

4 • This is a reference to João Guimarães Rosa's novel, *Grande Sertão: Veredas*. In Rosa's novel, Riobaldo, the narrator and central figure, hears the verses of Siruiz's song and develops a taste for 'speculative idea', a taste for reflection. In: ROSA, João Guimarães. *Grande Sertão: Veredas.* Rio de Janeiro: Nova Fronteira, 2006, p. 110.

5 • Darcy Ribeiro, *O Povo Brasileiro* (São Paulo: Cia. das Letras, 1995): 106.

6 • This is a reference to the poem *Navio Negreiro*, by Castro Alves (1847-1871). See Castro Alves, *Navio Negreiro* (São Paulo: Edição Saraiva, 1960).

7 • Francisco Weffort states that Mem de Sá (1500-1572), Governor General in Brazil in the second half of the XVI century, wrote to the king of Portugal: "I found the entire land at war". See Francisco Weffort, *Espada, Cobiça e Fé: As Origens do Brasil* (Rio de Janeiro: Civilização Brasileira, 2012): 17.

8 • Blaise Pascal, *Pensamentos* (São Paulo: Martins Fontes, 2001): 140.

9 • Alejandro Alagia, Nilo Batista, Alejandro Slokar and Eugenio Raúl Zaffaroni, *Direito Penal Brasileiro: Primeiro Volume* (Rio de Janeiro: Revan, 2003): 46.

10 • With this term, I am referring to the Brazilian model's separation of preventative and repressive police work into two different institutions: the Civil Police, who work only on criminal investigation and the Military Police who carry out only ostensive policing. These functions are integrated into one organisation in almost all other countries around the world.

11 • "ISP Dados Visualização," Instituto de Segurança Pública, 2020, accessed May 27, 2020, http://www.ispvisualizacao.rj.gov.br/.

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13 • Simone Weil, "The Iliad or the Poem of Force: A Critical Edition" James P Holoka (Ed) (New York: Peter Lang Publishing Inc, 2006): 46.

14 • I refer here to Marx's analysis regarding

estranged labour, in the Paris manuscripts. See Karl Marx, *Manuscritos Econômico-filosóficos* (São Paulo: Boitempo, 2018).

15 • "Milícia" is a term adopted in Brazil, at the beginning of the 2000s, to designate a kind of criminal activity in poor communities, based on extortion and the sale of security services, by mobs that are largely made up of members and former members of the security services.

16 • Hannah Arendt, *Responsibility and Judgment* (New York: Random House, 2003): 183.

17 • Achille Mbembe, *Necropolitics* (Durham and London: Duke University Press, 2019).

18 • Nazareth Cerqueira, *O Futuro de Uma Ilusão...*, 207.

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ESSAYS

“I’M A HUMAN RIGHTS DEFENDER”

Ishtar Lakhani

• *What’s your superpower?* •

ABSTRACT

What made you care about human rights and why should others? Through personal story telling, this article explores how social justice activists can use their own journeys and narratives to motivate and inspire others to involve themselves in the fight for justice and equality. By harnessing the power of narratives, creativity, as well as fun, human rights activists can create more accessible, collaborative, and effective campaigns.

KEYWORDS

Creative activism | Narratives | Human rights

1 • The origin story

Every superhero has an origin story, a narrative that grounds, explains and often fuels the heroes' unrelenting fight for justice. Bruce Wayne (aka Batman) was left orphaned after he witnessed the murder of his parents during a robbery. Princess Leia's entire planet was destroyed by the evil Empire in Star Wars. Katniss Everdeen volunteered for the Hunger Games to protect her younger sister and The Bride's (aka Uma Thurman's character in Kill Bill) hero origins came out of revenge for the murder of her wedding party. All these characters have something in common other than their shared desire for justice: they had a deeply personal experience that moved them to devote their lives to fighting against injustice, often at their own peril.

Now, what has superhero origin stories got to do with human rights defenders and the current social justice landscape? I would argue that almost everyone who works in the field of human rights has their own origin stories not dissimilar to the stories described above. Having worked with a range of human rights practitioners across the world from community organisers to lawyers, communicators to policy specialists, I have always been profoundly interested in their origin stories. I have asked hundreds of people the simple question: "what made you care about human rights?" I can say with confidence that those who have chosen the uphill path of fighting for social justice have done so out of complex motivations that are deeply personal.

My origin story and the reason I care about social justice is no different. As a queer woman of colour, born in apartheid South Africa to a Hindu father and a Muslim mother, my experience of inequality and injustice was, and is (for lack of a better word) complicated. From a very young age I realised that all was not quite right with the world when the apartheid state told us where we were allowed to live and go to school and who we could love. I was lucky enough to have two parents involved in the anti-apartheid struggle and the fight for equality. But even luckier still, they both used their creative passions to support their activism. My mother, a feminist, art historian and teacher, and my father, an actor and journalist, exposed me to the multitude of ways that one can challenge oppression, disrupt power and mobilise people in solidarity. Sometimes resistance looked like a mass march in the streets, sometimes it was a boycott, sometimes it was having friends over for dinner and sometimes it was loving someone. Growing up surrounded by protest theatre, art, feminist literature and an ungovernable family led me down the activist path. This path hasn't been easy (trying to smash the capitalist patriarchy never is) but I would like to share some of my learnings so far.

2 • Speaking in Social Justice Acronym

"We are doing serious work here. There is no room for fun and games", "Why do you think they call it the anti-apartheid *struggle*?", or "Let's march to parliament and hand over a memorandum of demands!" – does any of this sound familiar? Having spent the majority

of my adolescent and adult life in and amongst social justice movements, networks and organisations, I have heard sentences like these a lot. Within a few years of being a full-time "professional" activist, I could mobilise a 500-person protest without breaking a sweat, give a slick Power Point presentation with my eyes closed and I learnt to speak fluent Social Justice Acronym: "Why yes, we've partnered with the MPWC and the CGE and approached the DOJ, DOH and DSD about the SW NSP on GBV". I had cultivated all the skills that I thought were essential to successfully pursue my social justice calling. Fuelled by bad coffee and righteousness, I ploughed through policy documents, drafted petitions, sat on panels and spent endless days in overly air conditioned meeting rooms speaking in Acronym, eating small triangular cheese and tomato sandwiches. All in the pursuit of justice.

But after a while, I asked myself the difficult question: was it working? I was burnt out, following in the ashy wake of mentors, colleagues and friends, all of whom were doing (and for the most part, are still doing) incredibly important work of fighting inequality and injustice in all its manifestations. Was patriarchy (replace with misogyny or racism or homophobia or xenophobia or rampant capitalism) on the decline? I could answer none of these questions with a definitive yes. This state of affairs forced me to reflect on what I was actually trying to achieve. What were we as so-called human rights defenders trying to achieve? In my mind, I wanted (*still* want) people to be kinder, more compassionate and empathetic towards each other, for people to actively resist systems of oppression and exclusion and finally, I want people to care about human rights.

This led me back to thinking about superheroes and what made superheroes care (and care enough to act). My logic was if I could figure out what moved myself and others to care about human rights, I could harness that knowledge and use it to motivate others to care. But on deeper reflection I realized that Katniss Everdeen did not sign an online petition to end the Hunger Games; Princess Leia did not become a general in the Rebel Alliance because she was invited to a Facebook group called "The Empire Sucks!"; Batman did not read a 100-page inter-ministerial report on crime statistics in Gotham City; and the Bride certainly did not form an interim advisory steering committee to draft a "Protocol on Revenge (version 14)". They were all *moved* to care about justice in the same way that I was moved to care. Which left me with a fundamental question: how do we move others?

3 • Putting the "fun" in fundamental rights

Throughout my activist journey, I have experienced the full range of human emotions from unadulterated rage at the systems of injustice to sheer joy in a gathering of my chosen community. However, when looking back at the predominant emotions that pervaded my early work, they were usually rage, anger, guilt and frustration. Although I am doing the serious work of human rights, I don't really see myself as a serious person. My default settings are generally optimistic and humorous. My exclamation of "Don't worry everyone, it's aaallll going to be OK" in the middle of any crisis make people love and hate me in

equal measure. In awkward situations, whether a dinner party with a group of teetotaling, introverted strangers or a meeting with faith-based community leaders where I am wearing a t-shirt that says "This is what a sex worker looks like", finding a shared connection of humour or light heartedness gets me through relatively unscathed. Not only am I unscathed, but in most scenarios, I am able to share my 'very serious' thoughts and work in human rights with people in a genuinely honest and meaningful way. Telling a funny personal story or starting a conversation about favourite foods has often been the key to unlocking some uncharted common ground in which to introduce and explore the topic of human rights.

I am definitely not the first person to discover the miraculous power of fun and humour as an ideal vehicle for human rights messaging. Social justice movements have been tapping into the power of play and creatively for centuries. Playtivism, creative activism, craftivism, artivism, artistic activism are a few of the terms used to describe an approach to social justice activism that emphasises creativity and fun as a point of entry to engage people in particular issues. Over the last 6 years, colleagues and I have been experimenting with these approaches, specifically in the fight for the human rights of sex workers in South Africa.

4 • Being seriously funny

The lived reality of sex workers in a criminalised context is one of exclusion, ostracism and brutal violence, with little access to fundamental human rights. When one has to work in this context every day, it is very difficult to tap into emotions other than frustration and hopelessness. But that is what we tried to do. We decided we were going to find new ways to approach our issue because what we were doing wasn't working (for our issue and for ourselves). We wanted to create new and engaging narratives that did not feed into inaccurate, Hollywood stereotypes of "the dark, seedy underbelly of sex work." We wanted to reflect the people behind the issues: our amazing community. We did this in a number of ways. We set up brightly coloured "Ask a sex worker" information booths with music and prizes; we gave fake awards to celebrities (and got to meet Sir Elton John in the process); we mocked our Department of Justice using a hilarious cob-webbed skeleton desk; we showed support to our allies by delivering cake and balloons; and we even ran a fake sex worker-led political party in our National Election (the Sex Workers Action Group, aka SWAG). It was some of the most fun I have ever had as a human rights defender.

What did all of this play achieve, you may ask. There were many intended (and unintended) consequences to our interventions. These experiments with fun, creative approaches to human rights advocacy taught us that humour is one of the most effective tools in our activist arsenal because it has the ability to disarm and bring people together from a space of shared connection rather than fear. Through being 'seriously funny', over the past 6 years we have made some of the biggest strides in the fight for sex workers rights in South Africa. A number of leading political parties and major labour unions have recognised the rights of sex workers. The need for the full decriminalisation of sex work has been recommended in a

number of national policies including the National Strategic Plan to Combat Gender-based Violence. Our issues are far more visible and the narratives around sex work are shaped and produced by people who sell sex (rather than tabloid media). Our number of allies have also grown exponentially and we saved a ton of money (a fake political party on social media costs a lot less than a mass march to parliament).

The legislative, policy and narrative changes have been important. However, equally important has been the impact of this approach for those on the frontlines of human rights defence. These interventions required thought, creativity and risk. Long hours of making props, doing research and sneaking around in the middle of the night. But I say again, it was some of the most fun I have ever had as a human rights defender. The work was energising, to ourselves, our team and even our organisation. We laughed (especially when people believed SWAG was real) and danced and sang and made new friends. Yes, this all sounds positively romantic. But, to be clear, it was not only the fun and games that led to our victories. While we were dreaming up our creative interventions, we were simultaneously speaking in Acronym on conference panels and in parliament, creating substantive, evidence-based submissions to policies and providing direct legal, health and psychosocial support to sex workers who are on the frontlines of the battle for basic human rights.

It was this balanced approach to social justice activism that made me feel more genuinely myself and on deeper reflection, I realised why. This approach to activism spoke to my origin story: the combination of art and activism, of creative passion and politics. This combination is something that I strive for because when done just right, for a brief moment, we are able to create and live in the world of our dreams.

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ESSAYS

THE ART OF PROTECTION

Oren Yakobovich

• *Old wisdom, new strategies* •

ABSTRACT

The protection and resilience of human rights defenders is essential for the preservation and advancement of social justice. When facing significantly better-resourced adversaries, our key to success lies in our strategies. Our post-Covid reality is an opportunity for us to reassess our approach, harnessing ancient knowledge to navigate us safely through new terrain.

KEYWORDS
Protection | Security | Strategy | Network | Wellbeing

1 • Introduction

During the time of Covid-19, starting a story with a flight seems somewhat nostalgic. But equally, as a story about the protection of human rights defenders, it seems important to begin by acknowledging the pandemic and the significant impact it has had – and will continue to have – on human rights, civil liberties and our ability to unify. It is even more imperative now that we examine how civil society will remain safe and resilient and progress in this new world.

So... it was early morning in February 2020 and my flight was about to land at Phnom Penh International Airport. This was the beginning of a long journey that my team and I were about to start: we would be working with labour rights organisations in the garment sector for the next 18 months to help them become more secure and resilient in the amazing work they do.

As the plane touched down on the tarmac, I found myself contemplating what these activists had told us during our preparation calls and interviews. There were numerous stories of repeated targeting by authorities, including arrests on false charges, assaults from thugs hired by anti-union factory owners, intimidation through threats and harassment against them and their families, including death threats. Some of the phrases that really stuck with me were on the need to improve security, but also the lack of a roadmap and resources to do so...

> *All of us care about our security and how we control it, especially after what we have been through. The hard part is knowing how to engage with it properly and to have the time, resources and capacity to improve it.*[1]

> *We should have done this security process 10 years ago.*[2]

I remember thinking to myself, I know how they feel. I've been there before. When I co-founded *Videre Est Credere*[3] in 2008 – an NGO that exposes mass violence and other gross violations of human rights by equipping persecuted and marginalised communities with the tools, training and technology to document abuses, demand accountability and secure justice – effective security was clearly a necessity. Given the inherent risk involved in exposing the wrongdoings of powerful people, the safety and security of those conducting the work was paramount.

I knew we needed to build an operation where we could support activists on the ground and create impact without compromising their safety. For the work to be successful and sustainable, we needed to have practical, pragmatic and highly effective security strategies. If we were unable to comprehensively analyse and mitigate our risks, it would not be feasible to accomplish our mission.

It seemed wise to bring in a security specialist to work with. This was not a matter of a couple of training sessions. We needed to build a systemic approach with a long-term vision. But it was almost impossible to find the right fit. There were a number of service providers out there but it seemed as though most gave one-off training or HEAT (hostile environment awareness) training geared towards humanitarian or foreigners going to work overseas and offered by lots of ex-military males. As an ex-military male myself, I do not mean to homogenise a very diverse group of people, but I think it is fair to say that some approaches are incompatible with civil society operational priorities or resource restrictions.

At least at that time, in my experience, it was very difficult to find people from civil society with the requisite security expertise. People from civil society often lacked insight into the psychology, methodology and operational capacities of opponents such as security forces. For some, protocols seemed more informed by paranoia or possible trauma based on their experiences, obscuring their ability to prioritise and clearly distinguish between risk and assumptions, something which would likely compromise our operations.

To be clear, there were and still are great people doing excellent work in security for human rights defenders. Organisations such as Frontline Defenders,[4] Protection International[5] and Access Now[6] come to mind, as do numerous local level actors. But it is precisely because of their expertise that they are in huge demand and the need is even greater. Their work in providing remedies and emergency response to activists in danger is extremely valuable. Yet, at that time, we wanted to focus on structured and long-term *prevention* in our risk management, knowing that it would help reduce the chances of scenarios that trigger emergency responses arising.

Ultimately, Videre developed in-house its own security management protocols and a very operational approach based on its team's diverse expertise, with occasional technical advice from outside specialists who could keep our knowledge about our adversaries' tactics up-to-date. I am very proud of how our team has managed to keep people safe over the years whilst conducting impressive work such as documenting systematic corruption and violence; exposing far-right extremist groups and their ties to government actors; supplying the UN with evidence demonstrating collusion between government troops and armed rebel groups, including proving the use of child soldiers; capturing and sharing our evidence of mass atrocities with legal and accountability mechanisms in order to hold the perpetrators to account, and uncovering money flows that were fuelling racist and anti-democratic propaganda.

In fact, without robust security management, none of this would have been possible. It was by recognising the importance of risk management to bigger-picture impact and to the resilience of effective human rights organisations that the idea of my current social enterprise, *Kamara*, was born. By providing risk management, investigation and strategic actions to support those on the frontlines of human rights and social change work, we believe we are able to help contribute to a stronger civil society ecosystem.

Back to Cambodia. As I approach the "frontline" of immigration at Phnom Penh Airport, I reflect on the nature of these frontlines and how they have changed during my 20 years in human rights. The immigration desk frontline is literally a line of military-esque uniformed workers, all performing a different part of the process: one takes the passport, another takes the money, one prints the visa, another stamps it and some just seem to watch. It is like an analogue system in a world that has mostly switched to digital. I cannot help but feel that sometimes, we, in civil society, are the analogue in contrast to the digital of our adversaries. And whilst resourcing is undeniably an issue in our David and Goliath battles, it would be remiss of us not to question if we have failed to adequately and *strategically* adapt to the changes in the landscape of threats that we operate in.

One of my first projects in 2005 was the "Shooting Back" project under B'Tselem,[7] the Israeli centre for human rights in the West Bank. I equipped Palestinians residing in the riskiest places in the Occupied Territories with cameras and trained them on how to document their reality and the abuses they suffered at the hands of soldiers and settlers.[8] Back in those days, clear visuals of violations could be used to change the reality. The camera was an instrument of protection (to some extent, it still is today). It proved to be a remarkable tool in this context for shifting the balance of power from the soldier carrying the gun to the citizen carrying the camera. It was then that I learnt the limitation of power and how, with smart strategies, you can win over public opinion, shift the paradigm from victim to defender, and transition from a passive-reactive role to proactive engagement as a means of protection and progress.

Through this project, I witnessed how South Hebron Hill communities, who were spread over miles of hills and living in caves with minimal means, could work together to protect themselves from the perpetrators that were either part of, or supported by, one of the strongest armies in the world.[9] It was the first time I had implemented, unbeknownst to me, what we now call collective protection measures – where communities, individuals and organisations spread out across a large space operate together, fulfilling different roles, for their overall protection. Whether they were the observers with cameras notifying others about movements of violent settlers; accompanying farmers in the fields as protective witnesses; collecting evidence for legal action or calling the authorities and media for awareness raising, they all played an important part. It was not easy. It was an ongoing struggle, but it worked and more than once stopped the destruction of villages.

The reality today is that globally, these frontlines are even more dangerous than before. Whilst ten years ago we celebrated the Arab Spring and Occupy Wall Street movement, the civic space has narrowed and the rules of engagement have changed. Particularly in mobilising legislation and technology, civil society has been under attack from a multitude of angles: restricting or interfering with NGO funding, harassment, abuse and incrimination of activists, draconian laws limiting freedom of speech, proliferation of surveillance technologies, the rise of the right and the control of narratives in social media.[10] We need to learn how to protect ourselves and advance our missions in both the physical and digital realms in different ways than before.

There is no silver bullet, no one way of doing things, and the ability to diversify and adapt to specific circumstances is critical. But as I share my thoughts below on what changes I think we need to see, I do believe that the strategic principles can, in fact, be applied in all scenarios. A lot of the knowledge already exists within civil society; it's about bringing it together in more structure and synthesised ways.

2 • "Attack is the secret of defence; defence is the planning of an attack"[11]

Throughout the course of history, those who defeated larger and better resourced opponents did so through effective strategy, coordination and disciplined execution. The key principles are just as applicable to human rights defenders now as they were to Sun Tzu over 2,500 years ago, captured in *The Art of War*. Whilst using military analogy might seem somewhat provocative in this context, we should always remain open to what can be learnt to advance our causes, regardless of whether or not we identify with the origins.

Attack is the best form of defence: if you are not fighting the enemy in their territory, you will be fighting them in your space. For this to work, you need to study and know your adversaries just as well as you know yourself. Opposition research is a great tool for gaining insights. When we do not have the same resources, we need to find their Achilles heel to be effective. We can create the leverage we need as a catalyst of change: in physics, a lever placed at the correct angle will be able to move a far heavier weight.

Choose your terrain: the size of your force and the depth of your resources are less a factor when you are in optimal terrain for your strengths. For some, it is in the courtroom; for others, in the media or in harnessing public opinion. Even better is when we have allies in diverse terrains, acting in unison, across multiple frontlines.

Effective networks of information: obtaining timely information through networks of allies and harnessing knowledge (for example, through opposition research) can provide you with valuable insights into your opponents' vulnerabilities or next moves. Intelligence gathering and context monitoring is essential.

Coordination of movement: in order to move swiftly, especially in large numbers, we must be well-coordinated with clear lines of communication and structure. We cannot be democratic at every level but rather should coordinate through pre-agreed spheres of influence/involvement, delineated forums for discussion and clear decision-making mechanisms.

Choosing which battles will win the war: we will not win every battle, but we should focus on winning the war. We need to have strong long-term strategic vision (our war) but with the ability to, at times, cut our losses and pivot resources into new frontiers when opportunities arise (our battles). The nefarious strategies of actors such

as the Koch brothers[12] were not simply aimed at immediate wins; they targeted the next generation of education very effectively by being willing to invest in playing the long game. Lasting impact requires investment over time, with the flexibility to adapt rapidly to maintain this bigger picture vision.

Clear unified objectives: one of the most crucial elements for ensuring the harmony of the team and the chances of success. Unfortunately, social cause groups too often succumb to semantic differences preventing cohesive collaboration, whereas their adversaries seem to be rather adept at putting aside their variances to unite under a common objective (often money and/or retention or expansion of power). Collaborate with diverse parties under a common objective – even if you do not agree fully with all that they represent or strive for – and find strength in the interconnective tissue of the areas where you do have unified purpose.

Control the narrative: both by leading our own narratives (especially in the digital space) and countering disinformation campaigns by adversaries. This is increasingly the most effective area to resource – the power of story should not be underestimated – not just publicly but internally also.

Look after the wellbeing of your team: "carefully study the wellbeing of your men, and do not overtax them. Concentrate your energy and hoard your strength."[13]

This last observation is undoubtedly one of the most important ones and is the reason that risk management should be a foundational element for any human rights defender. Integral to our protection and preservation is taking care of wellbeing: it is our water; it sustains our resilience. There is a wealth of expertise and guidance on wellbeing that can be accessed. The ingredients are no secret: work/life balance, unity in purpose, relief from stress, motivation, healthy food, regular exercise and enough sleep. But our discipline and consistency in implementation is our challenge. It is often hard for us to monitor our own balance in this, which is why it takes a collective effort. We need to listen and observe both ourselves and each other. We must devise support systems and infrastructure that integrates wellbeing, including in the initiatives that donors fund. We must have leadership that prioritises it.

As I slowly make my way through Cambodian traffic, I pass by more than one small truck carrying a cramped and unsafe load of workers, no doubt on their way to one of the many garment factories that play such an important part of the country's economy. I think how it would not take too much in the grand scheme to make some changes that would transform their journey from dangerous to reasonably safe. The concept of the journey from dangerous to safe underpins the reason I am here. We have been funded by a pioneering foundation to work with some of their grantees on risk mitigation because they have recognised the important role the wellbeing of their grantees and their own exercise of duty of care play in the success of their combined objectives.

It is this type of leadership we need: one that understands and invests in keeping those most exposed, and therefore most vulnerable, as safe as possible in their work. Implementing

basic risk mitigation for human rights defenders must become the norm, not the exception. Donors must put resources into the safety and security of those at the forefront as a matter of standard practice. The same type of effort that goes into impact management and financial checks and balances should be applied to risk mitigation. It is from a space of well-mitigated risk that we can effectively turn our minds to our strategic frontiers.

While I was in Cambodia, we were preparing for another Kamara team to fly out to the state of Pará in the Brazilian Amazon to conduct a needs assessment on how we might be able to support environmental human rights defenders there. I will refer to all the activists, indigenous communities and organisations doing amazing frontline work to protect the Amazon (and environment more broadly) collectively as "EHRD" (Environmental Human Rights Defender), for brevity, but acknowledging that it is not the preferred nomenclature for many who identify themselves differently. Within the context of significant and increasing threats from state, business and criminal interests who aim to silence their struggles, we wanted to hear directly from EHRDs if they thought the types of strategies we have experience in utilising may be able to support them. We chose Pará as it is regarded as one of the world's deadliest regions for EHRDs.[14] Within the context of 1,500 EHRDs being murdered globally in the last 15 years, during which time the rate of killing doubled, this is a significant designation.[15]

The EHRDs we interviewed in Pará in 2019 (just before the "Dia do Fogo" or Day of Fire) all face severe threats and expressed a clear need and desire for security support – not just in the more traditional risk management, but also support with investigating perpetrators of attacks and the networks behind them. Recognising how investigations could be a very beneficial tool in mitigating risk, if wielded correctly, was an interesting and astute observation from the people we met. Investigation into perpetrators, opposition research, using OSINT (open source intelligence) and HUMIT (human intelligence) to understand how our adversaries operate can be an incredibly valuable component of protection. It is crucial to first secure oneself and each other through strong networks and collective protection. But to understand who is attacking and learn as much as possible about them both to pre-empt their tactics and to work to raise the political cost they pay for the harm they perpetrate is crucial for us to be able to move forward.

Our ability to re-envision the way we work to overcome any myopic and structural impediments that we have in order to build effective support mechanisms around human rights defenders is imperative. We need to redefine our perception of protection and our engagement with risk. Our ability to remain resilient and create impact are fundamentally intertwined and we must begin to acknowledge the crucial role that risk mitigation, harnessing knowledge and collaborating across networks have in our ability to keep civil society safer and more effective.

By the time I left Cambodia to head back home, Covid-19 had rendered Bangkok Airport rather empty. Due to the pandemic, I am not yet sure when we can make it back to Cambodia for the next chapter of our journey together. All of us, globally, have been forced to review our methodologies and find alternative ways to keep connected and unified within

this new context. We all need to adapt to the new terrain, both us and our adversaries. It is an opportunity not just to reflect but to grow. I believe there is even more imperative now, due to the pandemic, for us in the civil society space to take swift action. Our post-Covid world feels very much like a combined hit of post-9/11 and post-2008 recession, where the circumstances led to an extension of governments' powers, increase in inequality within society and the suppression of civil liberties that continue to echo today. Whilst we all struggle to come to terms with the impact on our daily lives and work, we must work together to make sure that we protect those at the frontlines and maintain our bigger vision.

NOTES

1 • Organisation staff member during an interview.

2 • Organisation staff member during an interview.

3 • Videre Est Credere, Homepage, 2020, accessed July 15, 2020, https://www.videreonline.org.

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10 • "Human Rights Are Under Attack. Who Will Protect Them?," World Politics Review, July 1, 2020, accessed July 15, 2020, https://www.worldpoliticsreview.com/insights/27856/human-rights-are-under-attack-who-will-protect-them.

11 • Sun Tzu, *The Art of War* (Colorado: Shambhala Publications, 2005).

12 • Editor's note: The Koch's brothers are billionaires in the oil industry whose family has great political influence in the United States, especially among far-right movements.

13 • Tzu, *The Art of War*.

14 • In absolute terms, Brazil is the world's deadliest place to be an environmental human rights defender: in 2017, 57 EHRDs were killed in Brazil (the worst year on record for any country) and 90% of these murders took place in the Amazon: "At What Cost? Irresponsible Business and The Murder of Land and Environmental Defenders in 2017," Global Witness, July 24, 2018, accessed July 15, 2020, https://www.globalwitness.org/en/campaigns/environmental-activists/at-what-cost/. Pará has the country's highest rates of violence against these activists: Sue Branford and Thais Borges, "Dismantling of Brazilian Environmental Protections Gains Pace." Mongabay, May 8, 2019, accessed July 15, 2020, https://news.mongabay.com/2019/05/dismantling-of-brazilian-environmental-protections-gains-pace/.

15 • Jonathan Watts, "Environmental Activist Murders Double in 15 Years." The Guardian, August 5, 2019, accessed July 15, 2020, https://www.theguardian.com/environment/2019/aug/05/environmental-activist-murders-double.

16 • Leandro Machado, "O que Se Sabe Sobre o 'Dia do Fogo', Momento-chave das Queimadas na Amazônia." BBC News Brasil, August 27, 2019, accessed July 23, 2020, https://www.bbc.com/portuguese/brasil-49453037#:~:text=O%20dia%2010%20de%20agosto,maior%20floresta%20tropical%20do%20mundo.

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ESSAYS

COVID-19, THE ECONOMY AND HUMAN RIGHTS

Juan Pablo Bohoslavsky

- *Inequality is not a virus, but a political choice* -

ABSTRACT

This article presents a series of reflections on the links between the economy and human rights in times of Covid-19. It argues that the economy and human rights are not incompatible and criticises "the economy first" approach that some governments are promoting, as it leads to the worst of both worlds: a fall in GDP and a rise in deaths. It also warns about the risk of implementing austerity policies, as done in the recent past, and how these policies and confinement increase the burden on women. It presents fiscal policies that could be implemented to finance social justice, while putting people's needs and rights before capital growth and the interests of large corporations. It also discusses the regulatory conflict between individual property rights and human rights in a range of cases, including investment arbitration. Finally, he offers a series of proposals on economic, fiscal, financial, monetary, social and environmental policies that combine to form a truly transformative agenda.

KEYWORDS

Covid-19 | Human rights | Economy | Fiscal policy | Debt

1 • The pandemic

On March 11th, 2020, the World Health Organisation declared the outbreak of Covid-19 a global pandemic. In a rapidly evolving situation, states are attempting – with varying degrees of commitment and success – to stop the spread of the disease. While the virus constitutes a threat to the rights to life and health, the impact of the crisis on human rights goes far beyond medical and public health concerns. The health crisis itself and the measures that governments have adopted to address it are leading the world into an economic recession that will push another 30 million people into poverty in Latin America alone by the end of 2020.[1] The consequences of the decisions made – both at the national and international level – to address health and economic issues affect one another mutually, which is why they must be taken together.

While it is now clear that states must take preventative and mitigation measures urgently, globally and in a coordinated manner to contain the pandemic as soon as possible, similar considerations should be made to address the adverse impacts on human rights already being felt because of the drastic economic recession. This is why the response to the crisis must be framed and rooted in human rights law.

2 • Economy vs. human rights? A false dilemma

The blatant disregard for the warnings on the need to prepare for pandemics and the lack of effective action on the part of several governments to protect public health by adopting proven measures to flatten the curve of the pandemic, such as social distancing and quarantines, are reason for concern. When people's lives and health are at stake, business should not continue as usual; we must guarantee that economic activity does not undermine health policies aimed at controlling the spread of the disease and the associated risk of a collapse of public health care systems. The decision to protect life or produce more or less economic wealth in a given year should be made from a human rights perspective. The economy *per se* cannot come first: economic policies should focus on people's needs and rights, not the unlimited expansion of capital.

Some governments are promoting an approach that consists of "saving the economy" at all costs, even if it puts the health and lives of the majority of the population at risk.[2] Similarly, this economy-centred approach is often accompanied by a total lack of interest in reducing inequalities; promoting tax reforms to move towards more progressive systems in which those who have more contribute more; strengthening and universalising social protection and health care systems; guaranteeing the social sustainability of the sovereign debt; justifying that states preserve policy space, which cannot be challenged in arbitration proceedings at the International Centre for Settlement of Investment Disputes (ICSID); caring for people in confinement; protecting those who work outside their homes; deploying specific mechanisms to address gender violence during the lockdown; investing more in the care economy, or

preventing deaths or health problems caused by pollution and climate change. Therefore, in real terms, "saving the economy" also means prioritising the benefits of a certain elite.

It is thus necessary to distinguish between large corporations' claims to save their profits from the needs of impoverished workers who are trying to earn a living on a daily basis. Although it is important to minimize the social and economic impacts of the recession by offering employment and thus ensuring the survival of the business sector, there are more sophisticated, realistic and efficient alternatives than this more generalist approach. These include, for instances, temporary and targeted exemptions from taxes, rent, mortgages and other outstanding debts or other kinds of financial relief. The existence of a large proportion of the workforce employed in multiple, informal conditions or short-term contracts makes it more difficult to protect jobs by only rescuing small and informal businesses.

From this perspective, it is imperative that states reduce inequality and poverty, and not only bail out large corporations, banks and investors without imposing any social conditionalities on them. Experience shows that these companies do not share these resources immediately or spontaneously with those who need it the most. For this precise reason, companies that distribute dividends, proceed with share buybacks or are registered in tax havens should be made ineligible for government aid programmes, as the governments of Argentina, Austria, Canada, Denmark, France, Poland and Spain have done. Also, for the same reason, capital controls to curb capital flight are also justifiable. Tax fraud and financial speculation do not contribute to human rights; they erode them.

The "economy first" approach should not mean abandoning people to cope with the crisis on their own. First, this is a very short-term view, since from a purely consequentialist standpoint, thousands or millions of people infected or dying does not seem to be a great contribution to national economies. Secondly, as the IMF warned, ineffective health policies prolong the contagion and the violence of the outbreaks, which means that it will take longer to return to stability, a prerequisite for economic recovery. Not putting public health at the centre of government plans of action does not save the economy; it only leads to the worst of both worlds. The case of Brazil should be informative: its economy is collapsing while mass graves are being dug.

The implementation of robust public health policies that save lives and prevent health care systems from collapsing should be complemented by policies that allow goods and services to be imported and/or produced and distributed in order to fulfil basic human rights, while minimising the long-term, negative economic impacts of the pandemic.

From a human rights perspective, the impacts of the recession include challenges to the full enjoyment of a wide range of human rights, such as the right to food, housing, health, education, water and sanitation, social protection, fair and adequate working conditions and freedom from discrimination. Human rights law clearly establishes that people should not have to choose between one basic human right and another. This could be the case, for example, when people reduce their food intake to be able to pay for housing or medical care.

Furthermore, there is special concern with people who have no choice but to acquire more debt to try to satisfy their basic needs. If nothing is done immediately, it is likely that individual and family debt will continue to grow, as people turn to loans as a last resort to fulfil basic human rights. This is especially true if austerity measures are implemented and actively promoted, as the IMF is suggesting.[3] Even though household debt is not a human rights violation *per se*,[4] it becomes particularly problematic when people resort to formal and informal lending networks to guarantee their right to health care, housing, food, water and sanitation or education, for example. What could seem like a lifeline today rapidly becomes a precipitous decline, as debt payments reduce incomes that were already low. To this, one must add the fact that remittances from migrants currently working in countries hit hard by the pandemic are likely to decline dramatically, which will directly affect the lives of many people, especially in developing countries.

3 • The effects of the economic recession on human rights: lessons from the recent past

An economic crisis looms on the horizon, one with immediate social impacts that are already being felt due to the loss of jobs. The world is currently experiencing a "coronavirus shock":[5] a phenomenon that threatens to severely affect the global economy, societies and human rights. While it is too early to accurately estimate the scale of the crisis, there seems to be a consensus that its repercussions will be much more drastic than those of the 2008 financial crisis.

More specifically, the UN Department of Economic and Social Affairs anticipates, at best, a deceleration of growth to below 2.5 per cent, the previously forecasted rate for 2020. At worst, it predicts a -0.9% contraction in the global economy. According to the study, the severity of the recession will depend mainly on two factors: "(1) the duration of restrictions on the movement of people and economic activities in major economies; and (2) the actual size and efficacy of fiscal responses to the crisis. A well-designed fiscal stimulus package, prioritizing health spending to contain the spread of the virus and providing income support to households most affected by the pandemic would help to minimize the likelihood of a deep economic recession".[6] In terms of lost income, the global economic costs related to the pandemic are currently estimated at 1.1 trillion dollars in 2020 in the most benign scenario, and nearly 3 trillion in the worst-case scenario.[7]

In a context where global indebtedness (household, government and business sectors combined) reached a record high at the end of 2019 and – as UNCTAD had already been pointing out in 2018 – private debt is on a rise, even greater economic challenges[8] are expected due to debt servicing. This is particularly problematic for developing countries whose average total debt is nearly twice the size of their GDP[9] and for those that already devote an unprecedented share of their revenues to service their debt with a variety of creditors.

The large-scale impacts of the last global economic crisis (2008-2009) on human rights of people around the world are clear to everyone. Looking back at this period, we can identify a series of consequences, including the adverse effects on the rights to food, housing, education, health, water and sanitation, just and favourable conditions of work and social protection. These impacts have been well-documented both in developed and developing countries. As indicated in a report of the Office of the United Nations High Commissioner for Human Rights on that time, "Generally, the crisis and the global economic slowdown associated with it, has the potential to impact on human rights directly and indirectly, including on the ability of individuals to exercise and claim their rights and on the ability of States to fulfil their obligations."[10]

Furthermore, the same economic shocks can have different impacts on vulnerable and marginalised groups, which can be accumulative for some. In this period, we witnessed an increase in hunger in the world, a large rise in evictions, foreclosures and homelessness, as well as negative impacts on housing affordability. We also know that this crisis caused a major increase in unemployment, which reached unprecedented levels in 2009, pushing many into poverty and exacerbating entrenched inequalities.

In response to the 2008-2009 crisis, we also witnessed the adoption of rescue packages to "save the economy" that targeted private financial institutions, not individuals. Mitigation measures were deployed to limit financial impacts instead of providing specific relief measures to people to ensure the enjoyment of their human rights, such as a moratorium on mortgages and evictions. This means that the bailout policies did not directly benefit the people affected by overpriced mortgages, but rather private financial institutions – the same ones that took too many risks, which was facilitated by deregulation. Lax monetary policies increased financial investors' revenues[11] and encouraged private investors to acquire bonds issued by developing countries.

While the governments' initial reaction to the 2008-2009 crisis was to support national economies through fiscal stimulus packages and government borrowing, very early on in the process, they began implementing orthodox austerity policies strongly pushed by the IMF and World Bank.[12] These policies have lasted over a decade. In fact, in recent years, two-thirds of the countries in the world were considering adopting austerity measures.[13]

However, it has been shown that as a policy for dealing with the consequences of an economic crisis, austerity does not contribute to economic recovery. Instead, it deepens inequality, hits the most vulnerable the hardest, weakens states' public safety nets and puts their capacity to fulfil their human rights obligations at risk.[14] As we are witnessing today, it also impairs the ability of states to respond to future shocks in an adequate and timely manner and to prevent and mitigate negative effects on human rights.

The concern raised here is not economic history.[15] In April 2020, in its *Fiscal Monitor Report*, the IMF affirmed that "Once the Covid-19 crisis is over, high-debt countries should, in

general, pursue fiscal consolidation supported by growth-friendly measures".[16] Despite the broad agreement on the need to strengthen the fiscal space of states, in March 2020, World Bank president continued promoting structural reforms[17] which, if anything like the ones in the past, will have negative impacts on human rights all over the world.

4 • The economic crisis has a woman's face

The current economic system is, for the most part, sustained by gender inequality and discrimination against women in the labour market. All over the world, paid and unpaid care work is often performed mainly by women. The value of women's unpaid or poorly paid work and their contribution to the economy has been grossly underestimated and even ignored for centuries. However, in times of pandemics, such as the current one and its interrelated crisis, the value of this work has multiplied. What is more, women make up over 70% of the workforce in the social and health sectors. That is not to mention the role played by women community health workers who are not paid for their work. The human right to care (to provide care, be cared for and to self-care)[18] is being clearly violated.

In this context, it is not surprising that the impacts of the economic crisis are greater for women than for men.[19] Economic crises affect women more than men because they are often over-represented in the informal sector and have low-paying jobs and greater chances of losing their jobs. Furthermore, they suffer simultaneously as public sector workers, service users and the main recipients of social security benefits, all of which has specific implications in terms of care work. The risk of this crisis adding to the burden of care work on women and exposing them to higher levels of discrimination and gender-based violence, in its multiple forms and intersections, is real and acute.[20]

5 • Fiscal policies to finance social justice

States should rethink their fiscal policies to fund social policies and ensure that these policies and their financial and monetary policies are coherent with one another.[21] Financing the fiscal deficit is legitimate if it guarantees the population's access to basic human rights. This is why the announced lifting of the European Union's Stability and Growth Pact, which prevents states from accumulating fiscal deficits above 3% of GDP, is commendable. This move will provide states the fiscal space they need and allows them to better mobilise available resources to fight the pandemic and prevent the adverse impacts on human rights that may result from the economic recession and/or the quarantine and the restrictions established to respond to the current health crisis. However, states must take care to avoid debt distress in the future and harness excessive private wealth.

It is unacceptable, in terms of human rights, that only a few people, and the richest 1% in particular, benefit from the crisis through speculation and other means. Therefore,

immediate action should be taken to combat these financial manoeuvres, especially when it comes to prices of Covid-19 related supplies and basic commodities. Price control systems should be implemented for items that are crucial in the current context, such as medicine, alcohol, masks, water and food to prevent market abuses.

All too often, when discussing human rights, and economic, social and cultural rights in particular, the first argument raised by those responsible for their fulfilment is the lack of financial resources to do so. Governments emphasise the "progressive realisation" of economic, social and cultural rights, but fail to look at their core and immediate obligations and the positive obligations of states to generate, allocate and adequately use the maximum of their available resources to advance as quickly and effectively as possible towards the full realisation of these rights. However, the current health and economic crisis shows us two things.

First, some aspects of economic, social and cultural rights with immediate effects do not require resources. For example, one cannot deny patients with Covid-19 medical treatment on the basis of gender, age, race, origin, class, caste, religion, belief or other reasons due to the prohibition of discrimination.

Secondly, this crisis has demonstrated that money can be found when there is a sense of danger and need involved. Governments and the international community have committed to injecting trillions of dollars. In fact, the G20 promised to inject 5 trillion dollars in the global economy and "do whatever it takes to overcome the pandemic".[22]

This way of thinking is not proactive, but reactive. Even if a fraction of this amount had been used proactively for the realisation of human rights and to establish a strong public health sector (instead of subjecting it to commodification, privatisation and cutbacks) to fight inequalities, poverty and the underlying systemic problems related to it, we would not be in such a dire situation today.

States must invest immediately in the health sector and health supplies (including those to treat Covid-19) and strengthen social safety nets. States should, as a first step, provide financial support to individuals and households in need in the form of an emergency universal basic income and/or help employers pay wages, depending on the circumstances. During a second phase, they should establish robust, universal social protection and security systems that enable people to achieve an adequate standard of living. States should also invest in nutrition, housing, education and local, small-scale, environmental-friendly agricultural production.

In practice, this approach does not prevent governments from acting as payers of last resort to cover companies' costs and pay salaries during the crisis, if necessary. This policy would be justified if implemented to avoid setbacks in economic and social human rights. This crisis must not be used as an excuse to accept new cuts to salaries and other social rights of workers, as some companies (and states) are doing. The crisis is seen as a large-scale test and

the home-office trend is expected to gain momentum in the world of work in the immediate future. Again, this should only be allowed to progress if it does not undermine workers' rights. In fact, now more than ever, there is an urgent need to discuss the relationship between working conditions and obtaining an income (basic income, people's income or any other similar concept) that is sufficient to meet basic rights.

One important aspect is the ultimate source of the funds to be injected in the economy. In the short term, states will undoubtedly have to manage high deficits, since higher public revenues do not keep higher expenditures in check (quite the contrary). However, later on, it will be necessary to reduce this deficit and face new public debt payments. Given the exceptional nature of the current situation, states could establish a one-off tax on wealth; but they could also undertake more ambitious reforms. Indeed, now is a good time to seriously engage in structural reforms for redistributive justice, including progressive tax reforms that require millionaires, billionaires and large corporate conglomerates to contribute amounts that are proportional to the size of their fortunes and profits to society. These structural reforms should include eliminating the primacy of shareholder value in order to distribute profits to all stakeholders, as some companies have promised to do. It should also involve the adoption of more progressive national tax systems and a global corporate tax,[23] including the taxation of all subsidiaries of transnational corporations, tech and online companies and high-net-worth individuals.

States need to urgently address the problems of illicit financial flows, tax evasion and tax avoidance in collaboration with one another.[24] This would make enormous amounts of money available to the international community for resolving the crisis by establishing a global fund,[25] for example. In particular, individuals and corporations that evade and avoid taxes, including ones with accounts or companies based in tax havens, must be excluded from public bailout measures.

This is where human rights should inform and serve as the basis for coordinating a transformative agenda in the area of economic, fiscal, financial, monetary and social policies. States have the international obligation to generate, adequately allocate and maximize available resources to advance as expeditiously and effectively as possible towards the full realisation of economic, social and cultural rights (art. 2 of the ICESCR). This legal reference should constitute the framework for the discussion on taxing personal assets, eliminating tax evasion, preventing the drain on foreign reserves and consolidating a basic income for all. Reducing inequality is a legal obligation and human rights have the ideological and technical potential to overcome it and anchor public policies in the needs and rights of the people.

6 • The scope of property rights in times of a pandemic

Individual property rights (real, personal and intellectual) should be harmonised with other human rights. The right to property as such is not absolute and, when duly justified, states

should be able to take the economic and legal measures necessary to deal with the current health crisis more effectively. No right or private economic monopoly should be given priority over peoples' right to health and to life.

States that have stepped in to assume public management of the services provided by the private sector in order to guarantee effective, coordinated and non-discriminatory access to these services, such as medical treatment and care for the elderly, not only merit special recognition, but should also be considered an example of a good practice for other countries. In Ireland, for example, the government announced on March 24, 2020 that "For the duration of this crisis, the State will take control of all private hospital facilities and manage all of the resources for the common benefit of all of our people. There can be no room for public versus private when it comes to pandemic" and that all patients with Covid-19 will be treated free of charge.[26]

In view of the life-threatening situation, including for medical personnel, states should also consider taking control of some companies capable of producing masks and other necessary items, if it would lead to more effective protection of public health. Their owners should be compensated in accordance with the constitutional provisions in the respective countries. Furthermore, in the midst of a global health crisis like the current one, there should be a complete waiver of the provisions of the *Trade Related Intellectual Property Rights* (TRIPS) agreement that apply to medicines and other related technologies.[27]

It is worth recalling that article 15 of the International Covenant on Economic, Social and Cultural Rights recognises the right of everyone to "enjoy the benefits of scientific progress and its applications". This is of particular significance when combined with the right to life and health in the current context. In fact, the United Nations Committee on Economic, Social and Cultural Rights has just published a General comment on "science and economic, social and cultural rights" in which it explains that "The term 'benefits' refers first to the material results of the applications of scientific research, such as vaccinations, fertilizers, technological instruments and the like. (…) some applications of scientific progress are protected under intellectual property regimes. The right to participate in and to enjoy the benefits of scientific progress and its applications assists States in making sure that these property rights are not realized to the detriment of the right to health".[28] The proposal that Costa Rica submitted to the WHO to create a team to collect patent rights, regulatory test data and other information that could be shared for the purposes of developing drugs, vaccines and diagnostics is therefore coherent with international human rights standards.[29]

In regards to the protection of foreign direct investment, states should issue a joint interpretation of bilateral investment treaties clearly explaining that the pandemic constitutes an unforeseeable and overwhelming force majeure, which justifies the adoption of proportional state regulatory measures to protect public health and the human rights of the population, even if it affects the economic rights of foreign investors.[30] No promise of economic gain should ever be above state policies to ensure the survival of the population.

7 • An opportunity for transformative change

We cannot afford to go back to business as usual, nor see a return to the pre-Covid-19 state of affairs as our ultimate goal. The Covid-19 pandemic is a shock that calls on us to rethink the economic, financial and social system in which we live to reduce inequalities between and within countries, as well as between men and women.

Both the Covid-19 crisis and the already visible effects of climate change expose the fragility of our current economic and social systems. Our systems cannot handle the strain of these phenomena, ranging from climate events to pandemics, which experts predict will become more frequent and severe. And when these events occur, our economic and social systems seem to guarantee adequate living conditions mainly for the elite, while the majority of people are pushed into more precarious conditions due to growing poverty and inequality and the deterioration of health. All this makes people much more vulnerable to death when disasters strike.

However, certain concerted actions taken to confront the Covid-19 crisis demonstrate that coordinated action and rapidly changes to policy and practice to tackle global challenges are possible. The sudden decline in production and consumption associated to the current crisis, which has been accompanied by the drop in pollution and greenhouse gas emissions in all continents, call into question our reliance on economic growth as a measure of progress for our societies. At the same time, they highlight the important role that governments play in protecting livelihoods and the right to an adequate standard of living, including rights to adequate housing, social protection and medical treatment for all people.

Economies continue to be important, especially for generating the material basis necessary for a good life for all people through the provision of essential services, decent work and sufficient material goods. However, they must be made to serve the public good and be guided by human rights principles, instead of relying on speculation, high levels of private debt, unregulated consumption and the degradation of natural resources in ways that increase our vulnerability and that the planet can no longer sustain. For the same reasons, states should not provide subsidies (bailouts) and other emergency benefits to sectors whose existence is in direct contradiction with the Paris Agreement, including its 1.5º C temperature limit and the ones for which a transition is not a possibility.

States must save lives and economies to ensure that there are jobs for people down the road and the provision of basic goods and services during the crisis, but this must be done in an intelligent and responsible way that gives special consideration to health impacts. In the "Urgent appeal for a human rights response to the economic recession"[31] that I sent to governments and international financial institutions in April 2020, I presented a series of recommendations covering a wide range of economic, financial, monetary, fiscal, tax, trade and social policies to help achieve these goals. They include offering emergency cash transfers and aid packages, expanding social safety nets and considering universal basic

income systems, suspending evictions and foreclosures, freezing rents and prohibiting utility cuts due to non-payment. Other measures are the waiver of the provisions of the Trade Related Intellectual Property Rights (TRIPS) agreement in relation to drugs and other related technologies and the suspension of international arbitration proceedings on disputes with foreign investors and of payments and the accrual of interest on private debts of individuals who would otherwise not be able to weather the health crisis for lack of income.[32] Other measures are making the repayment of new consumer and investment loans conditional on the curve of the outbreak being reduced to a specific level in a few months from now, approving more progressive taxes on large fortunes, imposing a moratorium on and reducing the public debt of low – and middleincome countries experiencing debt distress and establishing universal health coverage aligned with international human rights standards, among others.

A large number of countries have already begun implementing many of these measures, which contradicts the idea that human rights are not capable of reducing inequalities and that the capture of the state by economic elites is an irreversible natural phenomenon. However, more international and intra-national coordination is needed to coordinate health and economic policies in different jurisdictions to avoid a race to the bottom in which deliberately low standards of health protection are offered to attract more investment.

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INSTITUTIONAL OUTLOOK

WHEN THE DEFENDERS ARE SILENCED
Madeleine Sinclair

RESPONSIBLE SOURCING
Ali Hines

UNDER ATTACK BUT FIGHTING BACK
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WHEN THE DEFENDERS ARE SILENCED[1]

Madeleine Sinclair

• *Addressing the impact of intimidation on engagement with the UN human rights system* •

ABSTRACT

If the UN is to effectively monitor compliance with human rights obligations and protect victims from abuse, it is crucial that human rights defenders and victims of human rights violations can access and communicate with the UN freely and safely. A number of States systematically undermine the right to unhindered access to and cooperation with UN human rights mechanisms through intimidation or reprisals. In recent years, the UN has taken some welcome steps to address the issue. However, documenting overt, reported incidents of intimidation and reprisals using standard legalistic case-based methods has been privileged over addressing the kind of intimidation that inhibits defenders from engaging with the UN at all. Perversely, this means very repressive States can escape scrutiny. To begin to tackle this issue, ISHR commissioned a study[2] that considers the methodological challenges and opportunities inherent in measuring the impact of intimidation in particular on engagement with the UN human rights system.[3]

KEYWORDS

Human rights | United Nations | Reprisals | Intimidation | Human rights defenders

1 • Introduction

If the United Nations (UN) is to effectively monitor State compliance with human rights obligations and protect victims from abuse globally, it is crucial that human rights defenders and victims of human rights violations can access and communicate with the UN freely and safely. Unfortunately, 'free' and 'safe' are not hallmarks of the experience for many defenders and victims who seek to engage with the UN. A number of States systematically undermine the right to unhindered access to and cooperation with UN human rights mechanisms through intimidation: threatening actions aimed at inhibiting cooperation before it occurs or during efforts to engage; or reprisals: retaliatory actions against those who have cooperated.

Cognizant of the fact that intimidation and reprisals undermine its ability to fulfil its mandate to protect human rights, in recent years, the UN has taken some welcome steps to address the issue. The centerpiece of these efforts has for a long time been the annual report of the UN Secretary-General (SG) on 'Cooperation with the UN, its representatives, and mechanisms in the field of human rights' (also known as the 'Reprisals Report').[4] The Reprisals Report, which has been published annually since 1991, is limited to a static annual compilation of specific cases, with some follow up information included in recent years. In response to long term sustained advocacy by civil society, in 2016, the UN's response was bolstered by the appointment of a 'senior official on reprisals' by the SG. This mandate was held initially by Andrew Gilmour, the then Assistant Secretary-General for Human Rights (ASG).[5] The baton has since been handed to Ilze Brands Kehris, the current ASG.

Governments that have no desire to be portrayed as human rights violators on an international stage resort to a wide range of tactics to prevent or punish cooperation with UN human rights mechanisms, including direct violence, detention, harassment, economic attacks, attacks on reputation and threats to those seeking to engage, or their families. While some of the tactics States and non-State actors use can be direct, others can be more subtle and are often quasi-legal.

While the Reprisals Report is an important means for drawing attention to and publicly condemning violations of the right to unhindered access to and cooperation with UN human rights mechanisms, it only tells part of the story. Many cases of intimidation and reprisals are unreported. Others are reported but remain undocumented, for fear of further reprisals. Another critical issue that is even harder to measure and further masks the true reach of intimidation and reprisals: the fact that efforts to intimidate are often successful at deterring defenders and victims of human rights violations from engaging with the UN at all. Perversely, this can lead to a situation in which very repressive States can escape being listed in the Reprisals Report. This issue comes into focus for example, when one considers that the majority of the 10 countries receiving the lowest scores in Freedom House's Global Freedom index do not appear in the 2019 Reprisals Report (Syria, North Korea, Equatorial Guinea, Somalia, Tajikistan, Libya)[6] or that one third of the countries rated 'closed' in the CIVICUS Monitor are similarly not cited (Azerbaijan, Central African Republic, Equatorial Guinea, Libya, Laos,

North Korea, Sudan, Syria).[7] Furthermore, even in States where some specific instances of intimidation and reprisals are reported, these may only be telling part of the story, as many more defenders may be intimidated from ever engaging and that story isn't being told.

It is positive that recent Reprisals Reports and statements by the senior official have signalled increased concern about such severe intimidation and related 'self-censorship'.[8] In October 2018, the then senior official, Andrew Gilmour, acknowledged gaps in information, because of the serious risk that defenders face for sharing information, in addition to incidents that are not included in the Reprisals Report because consent has not been obtained from the victims or their families. Gilmour further acknowledged that he likely receives information from countries with a relatively vibrant civil society that has been able to engage with the UN, and that in this way the Reprisals Report presents a slightly distorted picture with more coverage of those countries than of others which are even more closed and repressive and where it is impossible for civil society to engage with the UN at all.[9] In 2019, the SG reported that he is particularly concerned at the body of evidence pointing to growing self-censorship by victims and civil society actors who decide not to engage with the UN, both in the field and at Headquarters, out of fear for their safety or in contexts where human rights work is criminalised or publicly vilified.[10] Finally, in his dialogue with the Human Rights Council at the 42nd session in September 2019, Gilmour acknowledged that self-censorship is the aim of States and others who carry out reprisals and intimidation and that it is only when defenders refuse to self-censor that reprisals are taken.

Gilmour noted that it is very difficult to tackle self-censorship because it is hard to prove if human rights defenders and organisations are so intimidated that they do not even want to engage with the UN. Some recent Reprisals Reports have cited a handful of specific countries in this regard,[11] but only insofar as such self-censorship has actually been reported. In this way, the Reprisals Report privileges reported incidents, and fails to systematically consider the issue of self-censorship and document country situations where the State has been 'successful' at intimidating civil society from engaging with the UN.

To begin to address this issue, ISHR commissioned a study, which was launched at the Human Rights Council in March 2020,[12] that considers the methodological challenges and opportunities inherent in measuring the impact of intimidation on engagement with the UN human rights system.[13] The current lack of understanding of how intimidation tactics effectively inhibit human rights reporting and action, reinforces impunity for States' abuses. Until the UN and civil society take concerted steps towards better understanding the barriers to engagement faced by defenders and victims of human rights abuses, including intimidation, solutions will remain elusive and human rights abusers enabled. Clearly, the kind of intimidation that inhibits action is more difficult to measure than overt, reported incidents of intimidation and reprisals using standard legalistic case-based methods of documentation. Notwithstanding these challenges, ISHR has concluded that there are key steps and methodological approaches that the UN and other stakeholders can take to address these gaps, and begin to hold perpetrators accountable. These are examined below.

2 • Considering the psychology of intimidation and activists responses

As a starting point, ISHR's study found that in order to maximise or optimise cooperation with the UN's human rights mechanisms and address intimidation, we need to understand who uses these mechanisms, why they use them, and how they react to the wide range of obstacles they face in doing so. In that regard, ISHR's study recommends that all human rights actors (including the UN, NGOs, academics, and States) develop more impact analyses that assess the positive outcomes resulting from the use of UN human rights mechanisms, and disseminate and popularise any existing analyses. Simply put, the system needs to give defenders a basis for making informed judgments about whether to go to the effort and trouble of engaging. The current tendency to emphasise the importance of 'doing no harm' to those who engage, or might engage with the UN, must be balanced with sufficient information on potential positive benefits and past successes. Of course, the decisions and agency of defenders must be respected, regardless of the biases that may inform their decisions – activists on the ground are most directly affected by State action and are in the best position to determine the dangers they are comfortable with, but also whether engaging with the UN system is in their best strategic interests. However, understanding the potential positive impacts of the UN is as critical for an individual's decision-making as understanding the risks involved. This means that the UN and international NGOs must provide significantly more coherent and informed impact analyses of how engaging with these mechanisms could be worth the risks involved.

In this regard, the UN must also seek to strengthen feedback so that those who use UN mechanisms receive prompt and adequate information about the progress of their case. Unfortunately, it is not uncommon for defenders to feel the information they've provided to the UN has disappeared into a black hole, despite having made a substantial effort and taken risks to provide it. The lack of feedback can erode trust in the system and discourage further engagement. In a similar vein, recognising that many victims and defenders consider any attention paid to their plight by the UN to be potentially protective, the UN mechanisms that rely on cooperation should implement more rigorous follow-up advocacy for those at risk to ensure that this protection is real and not just imagined.

ISHR's study also found there is a need to develop and strengthen new tactics for raising awareness about UN mechanisms especially in more closed and repressed countries where civil society and dissenting voices are effectively stifled. The more repressive the situation, the less information is available to people about the potential of UN mechanisms. Finally, human rights actors must acknowledge the structural inequities that make it more difficult for some victims and defenders to access UN mechanisms and make additional efforts to address them, by encouraging engagement and offering support to those who are more isolated or marginalised.

3 • Considering the data challenges: how to measure cooperation and intimidation

In order to be able to identify the countries in which the inhibiting impacts of intimidation are significant, we need data about the levels of human rights abuses, intimidation, and cooperation with the UN system, and we need to be able to track changes over time. It is incredibly problematic that cooperation is not being adequately measured – cooperation levels could be improving or deteriorating in different places, but without this data we cannot accurately assess what is happening. It is only by investing in systematically gathering and collating data in such a way that cooperation could be tracked and analysed, that obstacles can be identified and prioritised, and solutions sought.

While these are complex and challenging issues to address, the study's reflections on data-based approaches and limitations point to several initial steps that could strengthen the UN's ability to assess intimidation and its impact on cooperation. To address these challenges, the UN should track the engagement of individuals, and civil society more broadly, across all of its mechanisms, and regularly produce quantitative reports on cooperation with the UN.[14] To do so comprehensively, such an effort may require additional resources. Until such resources are available, the OHCHR and senior official could create a partial database on engagement with the mechanisms for which gathering data with fewer resources is feasible. At the same time, major human rights data-collecting institutions (including OHCHR) should continue to improve the level of collection and management of data on all human rights abuses, collaborating with NGO and academic data-based efforts that enable quantification and comparative ranking of abuse levels. With those two data sources, the UN would be in a position to identify States where there is high abuse and low cooperation as well as those with high abuse and high cooperation. Research on best practices could then assist States where intimidation has sustained inhibition more significantly. Lastly, in order to determine which countries need further studying, there is no reason to 'reinvent the wheel' – OHCHR and human rights NGOs should take advantage of existing data and measurement tools on freedoms, civil liberties and civic space as proxy measurements for levels of intimidation. This data can also help to identify countries where deeper study is needed.

4 • Considering the politics of intimidation: State and UN responses

States seeking to sustain their international engagement while controlling their population are most likely to use subtle, quasi-legal, intimidation tactics to deter the defence of human rights at a lower political cost than open abuse. Therefore, human rights actors must ensure such subtle abuse comes at a higher political cost. In order for this to happen, it is important for the UN, States, and NGOs to acknowledge the importance of documenting intimidation and take action, even in restrictive environments. The UN is currently failing to adequately

monitor and address this problem. The UN's human rights mechanisms remain remote for many and though its field-based monitoring presences (OHCHR or Peace Operations) would be good tools in this case, they are few and far between. In addition, other UN agencies deployed to repressive States in UN Country Teams often lack the flexibility and political will to take on human rights responsibilities for fear of political retaliation by host States. The OHCHR currently creates some accountability pressure for States through analysis in its annual report on Special Procedures of instances where States have blocked cooperation[15] but this could be expanded and strengthened, by documenting and quantifying more precisely all incidents in which anyone was deterred in any way from cooperating during country visits. Finally, strategies to promote further cooperation should be strengthened, including encouraging standing invitations and country visits and calling out the refusal of such visits publicly. Non-cooperation has and should continue to be referenced in discussions around candidacies of States to human rights bodies, such as the Human Rights Council.

5 • Conclusion

Several States and the UN have shown that they consider intimidation and reprisals to be a critical issue. The annual Reprisals Report and the senior official mandate are crucial tools for addressing reprisals and intimidation against those seeking to cooperate or cooperating with the UN. However, accountability needs to go beyond specific incidents and attacks. States must be called out for deterrence approaches they are using every day to sustain an atmosphere of fear and inhibition. The SG and senior official on reprisals have correctly identified intimidation resulting in self-censorship as a pressing concern and it is time to move beyond naming the problem to finding real solutions. While intimidation that results in inhibition is indeed hard to measure, it's far from impossible and ISHR's study offers several manageable starting points. With a better understanding of how intimidation affects defenders and how to confront States' strategies, together with more effective means of measuring how intimidation and reprisals affect cooperation with the UN, this important work can begin. The UN, together with civil society, must add to existing efforts to tackle reprisals, and hold States to account for intimidation in *all* of its forms.

NOTES

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14 • This should include the Human Rights Council, the Universal Periodic Review, Treaty Bodies, field presence, country visits, and other contact.

15 • "UN Human Rights Council Annual Report Special Procedures for 2018," A/HRC/40/38, United Nations, March 12, 2019, accessed June 10, 2020, https://www.ohchr.org/Documents/HRBodies/SP/A_HRC_40_38.docx.

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RESPONSIBLE SOURCING

Ali Hines

- *How businesses can protect land and environmental defenders and indigenous communities' rights to land and resources*

ABSTRACT

More than three people lost their lives each week in 2018 for peacefully defending their land and environment in the face of large-scale resource extraction projects. For companies with agricultural, timber and mineral supply chains and their investors, there is a strategic and moral imperative to act to protect the human rights of all people defending communities' rights to land and resources. This article gives an overview of the response from States and the private sector in respecting and protecting land and environmental defenders, including several case studies involving businesses. It also sets out the due diligence process that businesses should be undertaking in order to identify and mitigate threats against defenders in their value chain.

KEYWORDS
Defenders | Human rights | Land | Criminalisation | Killings

1 • The global picture

Despite the growing awareness of the role of human rights defenders (HRDs) in sustainable development, those defending their land and environment are increasingly under attack. Back in 2012, Global Witness found that over 711 activists, journalists and community members had been killed in the last decade defending their rights to land, forests and rivers.[1] By 2018, this death toll had risen to over 1,400.[2] This equates to more than three such people murdered on average every week in 2018 with attacks driven by industries like mining, logging and agribusiness. The true figure is likely to be far higher: reliable evidence is extremely hard to find or verify, and many murders go unreported, particularly in rural areas or countries where civil society space is restricted.

2 • How companies and investors can impact land and environmental defenders

Companies whose supply chains are reliant upon natural resource exploitation often depend on the conversion of sensitive natural habitats, which not only damages the local environment and furthers carbon emissions, but also normally results in disputes with local communities.

Corruption and impunity also underlie the growing number of conflicts around the exploitation of nature and large-scale development projects, owing partly to the fact that the majority of such projects require vast financial investments, which can fall prey to corruption. This situation is particularly evident in countries with poor and non-transparent governance processes, weak rule of law and weak land rights, which lead to collusion at the expense of the public good.[3]

Defenders who work on land and environmental issues face specific and heightened risks because they are seen as a threat to profit as well as power. In the vast majority of cases, they are killed because they have questioned or opposed a business enterprise – one usually linked to the extraction of natural resources, such as mining, large-scale agriculture or logging. Global Witness' data shows that in almost all cases, one of the prime reasons for the loss of defenders' lives is their clash with political, business and criminal interests who prioritise their scramble for natural resources over the economic, social and health interests of local communities and the environment.

The killing of land and environmental defenders is only the tip of the iceberg. Environmental human rights defenders face numerous threats and violations, including violent attacks and threats to their families, enforced disappearances, illegal surveillance, travel bans, blackmail, sexual harassment, judicial harassment and use of force to dispel peaceful protests. Such violations are committed by State and non-State actors, and take place in the context of the overall stigmatisation, demonisation and delegitimisation of defenders.[4]

While murder is the most visible and violent threat that defenders face, statistics on killings only tell a small part of the story. Away from the media spotlight, governments and companies use countries' courts and legal systems as instruments of oppression and intimidation against those who threaten their power and interests.

Criminalisation refers to "the process by which behaviours and individuals are transformed into crime and criminals." In the context of defenders, criminalisation stems from the 'intent to discredit, sabotage or impede the work of HRDs through the misuse of the legal system and through a targeted manipulation of the public discourse within a country.'[5] It is one of the main abuses that defenders face and it takes many different forms. Legal threats can be used by governments and companies to intimidate defenders, tarnish their reputations and lock them into costly court battles which hamper their work.

These legal battles are generally heavily mismatched. Armies of well-paid lawyers often face off against farmers or indigenous leaders of remote communities, who may have little formal education or knowledge of their rights. Once charged, defenders are stigmatised publicly and branded as terrorists or criminals by their government and the media that it often controls.

3 • The current state of play: land and environmental defenders and international norm

Under the UN Guiding Principles on Business and Human Rights (UNGPs), governments have the primary duty to protect human rights while businesses have a separate and independent responsibility to respect human rights.[6]

Under this guidance, the business responsibility to respect includes refraining from harming defenders, restricting their rights or interfering with their activities. The UNGPs also require companies to engage with defenders to identify, mitigate and remedy any adverse human rights violations that may arise from their operations.[7] In these cases, companies should exert leverage through their business and supplier relationships to address the impact. Additionally, private security firms or contractors acting for or on behalf of financed businesses should not be involved in attacks on defenders.[8]

An increasing number of businesses are making efforts to promote human rights in their supply chains and in communities impacted by their operations, particularly in response to threats to civic freedoms and human rights defenders.[9] For example, in 2015, three jewellery companies (understood not to have direct links to Angola), including Tiffany and Co., released statements calling on Angola to drop charges against Rafael Marques, a journalist on trial for defamation after exposing supply chain abuses in the diamond industry. These companies were keen for this to be seen as a collective, business-led push to drive systemic change and create 'a global diamond supply chain free from human rights abuses.'[10]

The UNGPs state that 'Because business enterprises can have an impact on virtually the entire spectrum of internationally recognised human rights, their responsibility to respect applies to all such rights.' This includes respecting land and environmental defenders' rights, as laid out in the UN Declaration on Human Rights Defenders (UNDHRD).[11] The UNDHRD bolsters the UNGPs alongside the Organization for Economic Co-operation and Development (OECD) Guidelines on Multinational Enterprises and the UN Sustainable Development Goals.[12]

Beyond these corporate responsibility guidelines, national and international standards also exist to protect defenders' rights. In 2016, Canada published guidelines for its government and diplomats on supporting defenders at risk.[13] These guidelines allow embassies to deny trade support to companies associated with threats against defenders – an important step given the abuses frequently reported by activists opposing Canadian mining interests.[14]

France recently passed the most comprehensive human rights focused due diligence requirements through the Duty of Vigilance Law in February 2017.[15] The law requires companies, including banks and investors, to identify and act on their most serious exposure to human rights abuses, which may include threats to and killings of defenders.

European investors such as banks, pension funds and insurers are also now bound by due diligence legislation. An agreement made between the European Parliament and Council in 2019 means that investors must disclose the steps they have taken to address any adverse social and environmental impacts of their investment decisions.[16]

In addition, Global Witness is part of a NGO coalition calling for the EU to introduce effective and robust legislation that establishes cross-sectoral, mandatory, human rights, environmental and governance due diligence obligations for all companies – including those in the financial sector – operating in the EU. This includes access to remedy for victims of corporate abuse and effective sanctions. As a result, in May this year, the European Commissioner for Justice made a public commitment to bring in a new EU law on mandatory corporate due diligence on human rights, environmental and governance issues, including corruption, as part of the European Green New Deal.[17]

4 • Global Witness investigation in the Philippines

Last year, Global Witness revealed that in 2018, 30 land and environmental defenders were killed in the Philippines, making it the country with the highest number of such killings in the world.[18] Our two-year investigation showed how mining, agribusiness, logging and coal plants are driving attacks against environmental activists. It found that internationally recognised firms including Del Monte Philippines, San Miguel Corporation, Standard Chartered, Dole Philippines, and the World Bank are connected to attacks against defenders through their business activities in the Philippines.[19]

In 2016, Gloria Capitan was killed after opposing coal storage facilities and a San Miguel Corporation-owned coal power plant, backed by Standard Chartered and the World Bank, which were polluting her community in Bataan.[20]

Renato Anglao was murdered after he protested the grabbing of indigenous land in Bukidnon, which a local landowner and mayor used to produce fruit for Del Monte Philippines until 2019. This followed our previous investigation, which had showed that another major agribusiness company, Dole Philippines, had subleased land to grow bananas from a notorious gun dealer accused of using fraud and coercion to gain rights to indigenous land.[21]

In recent statements, Del Monte Philippines, Dole Philippines and the International Finance Corporation (IFC) outlined positive action taken on the back of our report.[22]

The agribusiness companies acknowledged the need for clear and concrete internal policies to address the issue of reprisals against those speaking out about their projects. Dole Philippines announced that the company has "undertaken a review of its internal processes to better ensure that it shall not be a party to… violence against environmental defenders and/or indigenous people", and committed to "outlining more concrete company policies".[23]

Del Monte Philippines have gone a step further, engaging with civil society organisations as they review their "impact assessment and due diligence processes", while "identifying areas of no compromise or zero tolerance." The company committed to "preventing and responding to any reprisals against persons who voice out issues about any of the businesses our company is involved in," and to translating these commitments "into concrete action steps."[24]

The IFC confirmed that, following its 2018 Position Statement on Non-Retaliation, the lender is "developing internal protocols and guidance for staff on reprisals screening, prevention, and response". In December, the IFC launched a new "contextual risk tool" which will be included as part of due diligence processes across all investments. The IFC told Global Witness that the tool includes a "reprisals-specific dimension... to screen for project contexts with high risks of retaliation and violence".[25] They also announced the creation of a "Stakeholder Grievance Response team" that reports directly to the CEO and is committed to bringing forward new guidance on "stakeholder engagement practices" and to "engag[ing] with its clients or other appropriate parties" when allegations of reprisals are raised.[26]

The challenge for all three business actors now is to use the next six months to turn intent into action, including by ensuring transparent consultations with a diverse range of civil society organisations; reporting publicly on the implementation of new policies throughout their operations, and providing redress for the victims of any abuses and environmental harm associated with their operations.

5 • Developing a due diligence process that ensures the respect and protection of LEDs' rights

The following is an overview of the due diligence process that businesses should undertake to address defender-related risks in their value chain:

1. Embed responsible business conduct into policies and management systems – Companies should develop, publish and implement a policy position on Land and Environmental Defenders (LED) that includes a zero-tolerance stance on threats and violence against LEDs as well as on illegal land acquisitions, and also requires free, prior and informed consent of local communities.

2. Identify and assess adverse impacts in operations, value chains and business relationships – Conduct regular assessments of risks to affected communities and LEDs, for example as part of wider environmental, social and human rights impact assessments. Risk assessments should be conducted at three levels in key sourcing countries: at the national, supplier and project levels.

3. Cease, prevent or mitigate adverse impacts – Where adverse impacts are identified, work with LEDs, communities and experts to identify effective mitigation measures. Identify and use the company's commercial and political leverage to maximise mitigation efforts and be prepared to stop operations/sourcing where necessary.

4. Track implementation and results – Regularly monitor the effectiveness of LED-related due diligence processes through consultation with LEDs' representatives and independent experts, and as part of regular human rights impact assessments.

5. Communicate how impacts are addressed – Publicly disclose risks faced by LEDs and the due diligence measures used to identify and address these risks, for example through annual, sustainability or corporate responsibility reports.

6. Provide for or cooperate in remediation when appropriate – Ensure that the business's existing grievance mechanisms are accessible to local communities and LEDs and that they address risks to LEDs, land and the environment. Assess whether these existing grievance mechanisms are rapid enough and provide sufficient levels of protection to deal with LED grievances and if not, set up specific LED grievance mechanisms that provide rapid response and high levels of security and protection for users. Co-operate where required with other legitimate grievance mechanisms such as state judicial processes.

Finally, businesses should champion LED issues with governments to achieve positive outcomes for LEDs, pressing for greater respect for their rights, supporting them in public and pushing governments to ensure that those responsible for attacks are brought to justice.

6 • Business as usual and a fear for the future

The world as we know it is changing at an exponential rate. The impact of Covid-19 on global health and financial systems will ripple for decades.

It is widely recognised that deforestation and the loss of wildlife are two key contributors to the rise in infectious diseases.[27] In order to avert a future pandemic, decision makers will need to listen to environmentalists, indigenous leaders and community activists taking a stand to protect nature. Front-line activists can also be a key voice in tackling the inequalities that have exacerbated the virus's impact and in proposing more sustainable ways of doing business in future. But only if they are safe enough to do so.

As is the case for other types of human rights defenders, threats and attacks against land and environmental activists have not slowed in this Covid-19 crisis period. In fact, they appear to have accelerated.[28]

A sustainable, resilient and fair response to the pandemic will be one in which rights are upheld and those who defend them are listened to, but civil society will need to be vigilant.

Inspirationally, even under the heightened pressure and restrictions, human rights and environmental organisations around the world are pulling together to find creative responses and to pool documentation. NGOs are tracking threats to civil liberties and Covid-19's impact upon indigenous peoples, as well as responses to the crisis by business and the UN.

If we want to build a more resilient and fairer planet once this crisis passes, it is crucial that land and environmental defenders are better protected.

In the long term, it is crucial that we consider how responsible business can operate in a way that puts local communities and defenders at the centre of decision-making, rather than at risk.

In the short term, governments and business should:

- Use public and private communications to emphasise that the role of land and environmental defenders is as important as ever and that reprisals against them will not be tolerated.

- Dedicate resources to identifying increased reprisals-related risks across investments, operations and supply chains, and take action to prevent and mitigate any risks identified and to support land and environmental defenders globally.

- Use secure channels to ensure that information on the environmental or human rights impact of potential business projects reaches those affected, allowing them the opportunity to engage in decision-making in a safe way.

• Commit to putting land and environmental rights and those who protect them at the centre of all responses to Covid-19.

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UNDER ATTACK BUT FIGHTING BACK

Débora Leão and Marianna Belalba Barreto

• *Human rights defenders and civic space* •

ABSTRACT

2019 was a year of collective action, and although the repression of civic space activism continues to rise, human rights defenders, activists, and civil society continue to operate, adapt, and resist. There are many success stories of human rights defenders who continue their work despite mounting restrictions, and it is important to recognise, celebrate, and learn from those stories and to work to bring these narratives to the surface of public attention to inspire us all. This article will look at a few cases of valuable achievements resulting from defenders' work. In addition, the article will provide an overview of key restrictions and trends and what they can tell us about how civic space affects human rights defenders around the world and particularly in the Americas through the lens of the data collected over the course of 2019 by the CIVICUS Monitor.

KEYWORDS
Civic space | Human rights defenders | Restrictions | CIVICUS Monitor

1 • Introduction: human rights defenders continue to operate with increasing challenges

Human rights defenders are working to create a more just and equal world, and their role has never been more crucial in driving change. Over the past nine years, CIVICUS has published the State of Civil Society Report,[1] tracking civil society action on the key issues of the day and the major trends that impact on civil society. In the latest report, CIVICUS shows how "civic action achieved significant impacts in securing progressive change, advancing demands for civic rights and democratic freedoms, fairer economic policies, an end to inequality, action on the climate crisis and international reform."

Without doubt, advocacy, activism and protests from civil society have pushed issues, such as the climate crisis, into headlines around the world. Civil society's classic role of speaking truth to power has never been so vital:

> *Beyond the coverage of Greta Thunberg, there were many other young activists of all backgrounds and from all over the world who took up the reins and became climate leaders. The call to action found a receptive audience among the young people who will live with the full consequences of climate change.*[2]

Recognising the vital work of human rights defenders, and after more than 13 years of negotiations, the UN General Assembly adopted 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 (Declaration on Human Rights Defenders).[3] The Declaration was an important development for the recognition and protection of the work of human rights defenders.

More than 20 years have passed since the Declaration was adopted and many would probably expect the world to be a more hospitable place for human rights defenders and activists today. However, in recent years, we have witnessed a global backlash against civil society, an increase in political extremism, the rise of far-right groups and a deteriorating environment for human rights defenders to operate in.[4]

The decline of civic space influences the ability of human rights defenders to operate. The freedoms of association, peaceful assembly and expression – the three civic space rights – underpin the work of defenders: to influence decisions and fight for rights, people must be able to participate in society, communicate their views, denounce abuses, organise and mobilise.

The importance of a safe and enabling environment for defenders was noted in 2014 by the former UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, who said, "*Defenders should be able to carry out their activities in an environment that empowers them to defend all human rights for all.*"[5] Far from meeting

that goal, the Special Rapporteur "has seen the space for civil society and defenders visibly shrink in certain regions of the world."[6]

Within this context, CIVICUS and its partners[7] launched the CIVICUS Monitor.[8] The CIVICUS Monitor analyses the extent to which the three civic space rights are being respected and upheld in 196 countries across the world and the degree to which states are fulfilling their role in protecting these fundamental freedoms. Based on qualitative and quantitative data on civil society conditions, each country is placed in one of five categories: open, narrowed, obstructed, repressed and closed.[9]

Data from the CIVICUS Monitor clearly shows that every year, fewer people are living in countries where civic freedoms are respected. The 2019 edition of People Power Under Attack[10] – the annual report that summarises key civic space trends found in data collected by the CIVICUS Monitor – shows that now, only three percent of the world's population live in countries rated as open. This means that in only 43 countries, people are able to exercise their rights without major challenges, although as we will see in the analysis below, civic space violations still occur in countries rated as open.

The decline of civic space in India and Nigeria means that 40% of the world's population now live in repressed countries. Last year, this figure was 19%, thus providing further evidence that the environment for human rights defenders is neither safe nor enabling.

In the following section, we will look at key restrictions and trends and what they can tell us about how civic space affects human rights defenders around the world and particularly in the Americas.

But it is also important to highlight that human rights defenders continue to work in the face of restrictions. We have been documenting restrictions and challenges to activism, but also new forms of activism and solidarity in response, as well as how more people are taking to the streets to demand change. Often, this has yielded positive results and that is where we would like the story to end. We will thus also present the positive developments that show the tireless work of defenders who continue to push for change.

2 • Context matters: tactics used by state and non-state actors to restrict the work of defenders

As of July 2020, the CIVICUS Monitor rated 43 countries as open, 42 as narrowed, 49 as obstructed, 38 as repressed and 24 as closed. This apparently even distribution masks a worrying fact: most of the world's population live in countries where fundamental rights and democratic freedoms are severely restricted. In the latest People Power Under Attack report, we found that approximately 67% of people live in countries where civic space has been rated closed or repressed. In practice, this means that most people live in environments where it is extremely difficult to denounce abuses, access justice and claim unfulfilled rights.

Censorship

In 2019, information from the Monitor indicated states' growing intolerance of dissent and of those who dare to speak truth to power or to defend the rights of their communities. Censorship was the restriction that we documented most frequently, appearing in 33% of our reports; it was the one restriction that featured in the top five violations in every rating category.

Where civic space is repressed or closed, censorship was by far the most common tactic used by states to control dissent. It was often blatant, with materials being seized, broadcasting channels taken off air and selective restriction of internet access, among other tactics. In Nicolás Maduro's Venezuela, activists, artists and journalists alike are vulnerable to arbitrary and brazen restrictions. For instance, in August 2019, the National Telecommunications Commission (CONATEL) ordered a television station to take an interview and opinion programme off the air without explanation.[11] Journalist Jorge Ramos was detained and his equipment was confiscated in the middle of an interview[12] with President Maduro, after he asked questions about reported human rights abuses.

Regardless of where they live, rights defenders and journalists are exposed to censorship practices. This was also the most common restriction documented by the Monitor in countries in the narrowed category, particularly for those in Central Asia and Europe. Where civic space is less restricted, censorship has usually taken the form of strict regulations, political pressure on media or defamation charges against journalists and defenders. In the Americas, there is no shortage of cases of clear attempts at censorship, as in Brazil, when a governor attempted to ban a comic featuring a same-sex kiss from a book fair,[13] or more subtle ones, as in the USA, where journalists have been denied press passes based on their past work.[14]

Harassment

Rosalina Domínguez, a land and environment defender from Honduras, was returning home with her children in July 2019 when she was ambushed by men with machetes who told her, "from here you will not pass."[15] Days earlier, the crops of her community had been intentionally burned, and in April, she had been threatened by at least seven assailants, one of whom was armed. Defenders in her community, Río Blanco, have presented dozens of complaints to the authorities since 2016 but little has been done. Rosalina and the people of Río Blanco have fiercely opposed the construction of a hydro-dam by the energy company DESA, whose executives ordered the killing of Berta Cáceres in 2016.[16] This is only one case among hundreds that the Monitor has documented and followed, where activists, journalists and organisations have been repeatedly targeted by state or non-state actors. Harassment appears among the top violations in countries where civic space is more restricted – that is, those in the closed, repressed and obstructed categories.

There are small but important differences in how harassment is encountered in different civic space environments. In countries rated as obstructed, harassment from non-state actors

often takes the shape of smear campaigns, particularly through online platforms.[17] When states take the lead, they often use judicial harassment that aims to drain financial resources and energy by leading defenders into long and costly lawsuits on trumped-up charges.[18] In comparison, in countries where civic space is repressed, we have registered more systematic harassment that often involves physical attacks. In the Americas, the groups most targeted are often context-specific: journalists in Mexico, environmental and indigenous defenders in Honduras and political dissidents in Nicaragua.

As harassment involves the use of a broad toolbox of tactics, it is difficult to track and define. Perhaps states are increasingly using it as a strategy to bypass monitoring organisations. This is the case in Nicaragua, where international and local pressure led the government to free hundreds of political dissidents in 2019 and 2020.[19] Yet, outside jail cells, former political prisoners have often found their houses besieged and vandalised, their family members threatened and their freedom in danger due to the risk of rearrest under false charges.[20]

Pushback on protests

CIVICUS Monitor data shows that there is a global pushback against the millions of people who take to the streets in protest. In our latest People Power Under Attack report, we documented 96 countries where the right to peaceful assembly was restricted between October 2019 and November 2019.

In the Americas, some of the most stunning crackdowns of 2019 were seen in countries where protesters might have had good reason to believe it was safe to mobilise: in Chile, Ecuador and the USA, all of which are rated as narrowed by the CIVICUS Monitor. The arrests of Wet'suwet'en defenders demonstrating against natural gas pipelines in Canadian First Nation territory further underscores the important point that some groups experience civic space restrictions on protests very differently from others.[21]

Restrictive laws

Legal measures that restrict one or more of the three civic space freedoms have been proposed or enacted in over 80 countries since 2013.[22] This long trend continued in 2019, appearing among the main types of restrictions in countries rated as having obstructed, narrowed and open civic space. Freedoms of peaceful assembly and expression were key targets of restrictive legislative proposals, including in the Americas and often in countries where these rights were considered enshrined. Rather than challenge the right to protest outright, the authorities in countries in these categories tend to contest the spaces where people come together to protest, whether it be a college campus or a key avenue, and the legitimacy of tactics such as road blockages and civil disobedience.

In the USA, several state legislatures approved laws that restrict protests around so-called "critical infrastructure". In Ohio, a bill increasing penalties for peaceful protests and civil

disobedience at pipelines and other sites imposed penalties of up to 10 years in prison and $20,000 fines.[23] Meanwhile, a bill in Costa Rica would severely restrict protest and association rights by prohibiting strikes against public policies and banning workers in education, health and other sectors from all strikes. This legislation was proposed following an intersectoral strike against economic cutbacks in 2018, and it targets some of the key groups that mobilised to resist the changes.[24]

Two states where civic space was already more constrained, Brazil and Guatemala, have made major moves to place broad restrictions on civil society. In Guatemala, human rights organisations have warned against repeated attempts to change the country's NGO Law. A decree amending this law was approved in Congress in early 2020, imposing sweeping controls and harsh sanctions on civil society organisations.[25]

3 • Resistance

It is clear that the operating environment for human rights defenders is in decline and that state and non-state actors continue to implement restrictions to prevent human rights defenders from doing their work. There are good reasons to track these restrictions in order to identify common trends, put the spotlight on rapidly worsening situations and build strategies to counter them. Yet a focus on restrictions should not overlook the continued resistance and fightback by human rights defenders.

It is important to highlight positive stories, success stories and the sometimes hidden work of human rights defenders. For this reason, our monitoring also describes improvements in civic space conditions. In 2019, the CIVICUS Monitor documented many instances where progress has come in civic space and human rights defenders have won battles, often after years of work challenging policies, building movements and shining a light on abuses. In this section, we look at a few cases of valuable achievements resulting from defenders' work.

In Belize, in 2010, activist Caleb Orozco started litigation to decriminalise consensual sexual relations between same-sex adults, punishable under section 53 of the Criminal Code by up to 10 years in prison. During the court case, Caleb received death threats and suffered physical attacks as a result of his advocacy in support of the LGBTQI+ community. After six years, in 2016, the Supreme Court of Belize declared section 53 unconstitutional, stating that criminalising consensual sexual relations between adults of the same sex violates the rights to human dignity, privacy, freedom of expression, non-discrimination and equality before the law.[26]

In Guatemala, indigenous Maya Q'eqchi leader Abelino Chub Caal was having lunch with his family when the police arrested him on February 4, 2017. He was accused of aggravated land grabbing, arson, coercion, illicit association and belonging to illegal armed groups – all connected to an incident in which he was not even present. Abelino had become a nuisance to agribusiness interests and he was criminalised because of

his relentless defence of indigenous land rights. This was far from an isolated case in Guatemala or in the region, but civil society solidarity ensured it had a positive outcome. Abelino wrote letters addressed to the public and to relevant politicians from prison while community-based organisations joined with international organisations to create a large-scale campaign combining petitions, social media and international pressure. His lawyers fought to show that the case lacked an evidence base and 812 days after he was arrested, the defender was acquitted of all charges. "I will carry on uncovering all the problems affecting the communities. Like other land and environmental defenders, I don't work for myself, but to protect the rights of communities that have been abandoned by the state," he said after his release, showing that his fight is far from over.[27]

In Venezuela, often in news stories on state repression, media censorship and attacks on human rights defenders, there are many stories of remarkable acts of conviction and resistance, of people building support networks in the face of limited and often polarised international support. Luis Carlos Diaz, a journalist and digital rights activist, was arrested and detained by the authorities in March 2019. Hours after his wife reported him missing, officers of the Bolivarian Intelligence Service (Sebin) brought him to his apartment in handcuffs at 2.30 am. Then, he was taken to the 'Helicoide' political prison.[28]

Using the hashtag #LiberenaLuisCarlos (#FreeLuisCarlos), tens of thousands of online followers demanded his release and urged international and national organisations to join the campaign. On the streets, people gathered in front of the prosecutor's office building in Caracas to denounce his arbitrary detention.[29] In an unprecedented turn of events, Luis Carlos was released approximately 24 hours later. His first words after his release celebrated and reinforced the "power of networks" as the cause for his freedom.[30]

By the end of 2019, the first year of Jair Bolsonaro's mandate, local civil society had already registered at least 60 different actions taken by the government to constrain democratic practices in Brazil. They are part of a multi-pronged strategy encompassing smear campaigns, public vilification of activists and journalists, criminalisation, dismantling of civil society councils and proposed legislation to enable state oversight of activist work and constrain people's right to access information.[31] In response, civil society has built on years of litigation work to challenge policies in court, exposed setbacks to fundamental rights in international forums and managed to capture global attention on issues such as rising deforestation, pushing the government to act.[32] Despite the increasingly repressive environment, a coalition of 160 organisations gathered signatures from over 500,000 people in a campaign for an emergency basic income during the Covid-19 pandemic, leading to the adoption of this policy within less than a month.[33]

After six years of negotiations, on March 18, 2018, states in Latin America and the Caribbean signed their first environmental human rights treaty.[34] The text has a specific provision on environmental human rights defenders that is unprecedented for the region and enshrines a rights-based approach toward indigenous peoples and vulnerable populations,

with provisions to favour these groups' access to information, participation and access to justice. The agreement was influenced by several years of civil society engagement. Over 2,000 organisations followed the process from its inception, taking advantage of an unprecedented chance to sit at the negotiating table to provide substantive policy proposals and influence diplomatic delegates. In particular, the work of civil society was key to ensuring recognition of the region's history of violence against people who defend land rights and the environment.[35]

> *The work of civil society made a huge difference. The issue of human rights defenders was a civil society proposal that was not present in the first version of the agreement. This has undoubtedly been the greatest achievement and a historic milestone for environmental democracy, because no other international treaty has provisions for the protection of human rights defenders,*

said Aída Gamboa from Derecho, Ambiente y Recursos Naturales, Peru. As the agreement went into its next phase, activists continued to advocate and campaign for its ratification and implementation.

4 • Looking forward

As the repression of peaceful activism continues, there is a need to recognise, celebrate and learn from the many success stories of human rights defenders and to work to bring these narratives to the surface of public attention to inspire all of us.[36] As part of this, it is important to say that while historically excluded groups continue to be the target of repression, their stories are not all negative; in some cases, important advances in winning legal recognition for LGBTQI+ identities and relations have been achieved.[37]

Undeterred by restrictions, human rights defenders, activists and civil society continue to operate, adapt and resist, against all odds, and come out as winners. 2019 was a year of collective action, when many activists and citizens took to the streets to demand and reclaim their rights. In many cases, protests made impacts, as the actions that triggered the mobilisations were quickly reversed.[38]

Chile was one of many countries where mass protests generated impact. A sign in a protest in Chile read "Los Ideales son a prueba de balas" (ideals are bulletproof) – a powerful message that encapsulated why and how human rights defenders continue to move forward and fight back. There is a continuing need for civil society to act as a collective, to show solidarity and to speak out.[39]

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CHALLENGES OF A MANDATE THAT HAS JUST BEGUN

• *Interview with Mary Lawlor* •

By *Sur Journal*

In an interview with Sur Journal,[1] *Mary Lawlor, the new UN Special Rapporteur on the situation of human rights defenders since May 2020,[2] shares her personal and professional experience, reaffirms the constant need to legitimise, promote and defend the lives and the work of defenders all over the world and identifies some of the pressing challenges she will face during her mandate.*

Sur Journal • What has led you to work with human rights?

Mary Lawlor • I got to know Sean MacBride, the winner of the Nobel Peace Prize, the Lenin Peace Prize and the American Medal for Justice. He was a founding member of Amnesty International. I was asked to pick him up at the airport one night. He was coming back from Russia. When we got to his house, he asked me to come in and help him with his post. He worked into the early hours of the morning, answering all his mail and offering advice or help to people on different issues. At the time, he would have been in his late 70s. I couldn't get over the fact that he cared so deeply and so, I joined the Irish Section of Amnesty in 1975. And of course, once you know about injustice and can see how it is possible to make changes through action, you cannot walk away.

Sur • What are your main thematic priorities for the mandate?

ML • I intend to focus attention on human rights defenders most exposed to killings and other violent attacks, including a focus on the most marginalised and vulnerable defenders. These include women human rights defenders, those defending the rights of LGBTI persons, human rights defenders who are children, human rights defenders with disabilities, human rights defenders working on the rights of migrants and related issues, those working on the climate crisis and human rights defenders working in isolated and remote areas. Priorities also include human rights defenders serving long terms in prison, reprisals against human rights defenders following their cooperation with the United Nations, the issue of the impunity of those who attack human rights defenders, the role of businesses in both harming and defending the work of human rights defenders and a focus too on strengthening follow-up to individual cases brought to our attention. I will focus attention too on how the mechanism of the Universal Periodic Review can be better used for protecting human rights defenders.

Sur • What are the current gaps in international and regional protection for HRDs?

ML • The main gap is the lack of political will to publicly recognise and support the legitimate work of HRDs in accordance with the UN Declaration on HRDs and to put in place the necessary education and laws that will copper-fasten this. Impunity fuels the risks: hundreds of HRDs are killed every year and a large part of the problem is that the perpetrators are rarely brought to justice. So, having the laws is a necessary step but it's not enough unless those attacking HRDs know they will be held to account.

What more can be done to protect and support HRDs who are particularly at risk (including women HRDs, indigenous HRDs, defenders working on business and human rights, land and the environment, and defenders of minorities)?

ML • I think the first thing to do is to recognise and give credibility to their work. For women and LGBTI defenders working in patriarchal societies or under religious fundamentalism, their

work to dismantle the prevailing negative societal norms and cultural practices which don't allow for equality will have to continue. For defenders working on indigenous, land and environmental rights in the context of business and human rights, there has to be free prior and informed consent of the affected communities and mandatory human rights due diligence standards to ensure that there will be no human rights impacts as a result of their activities.

Too often HRDs are dismissed by governments and businesses as anti-development or as serial complainers rather than as people helping society. That all feeds into an image of them as nuisances, which in itself can escalate into threats and attacks. Changing that reputation by presenting their work positively would also help.

Sur • Which state policies have been most effective in protecting defenders?

ML • No one has a magic wand, but various countries are trying – Mexico, Colombia and others have set up HRD protection mechanisms, with varying levels of trust and success. EU and other countries – including Ireland, Norway and Switzerland – have guidelines on how their officials should engage with HRDs, and Norway leads on UN resolutions for protecting HRDs. All this helps to build a culture of protection. Cote d'Ivoire and Burkina Faso have adopted human rights defender protection laws.

Sur • To what extent can the UN definition of "human rights defenders" be applied to different actions that are not recognised as part of the defence of human rights? In other words, how do we protect people who defend human rights, but who do not recognise themselves as defenders or who have reservations about this title?

ML • For those HRDs who do not recognise themselves as defenders or don't like the title, I call them by what they describe themselves as and add HRD as well. So, in my communications, I might say "journalist and HRD" or "community leader and HRD", "women's activist and HRD" or trade unionist and HRD". I do think it is very important that we link their work to promote and protect human rights to the title "human rights defender." It is what the UN agreed to after 13 years and it is the basis on which we seek to protect HRDs.

Sur • As a white woman, how do you perceive the threats and violence present in the daily lives of black human rights defenders?

ML • Black human rights defenders are targeted by institutional discrimination and because of the work they do. Many HRDs have experienced death threats, physical attacks, arbitrary arrests and lawsuits. The high number of killings is of particular concern and takes place against a background of widespread impunity. I think it takes enormous courage to start out each day with the yoke of discrimination on the basis of colour on one's shoulders and continue to work for justice for the community despite the great and added personal risk involved. I recognise it's not an experience I've lived - being a HRD of colour - and I realise it's important to listen and be guided by what they tell me.

Sur • What is your assessment of the deterioration in the protection of human rights in Brazil?

ML• The challenges and threats faced by human rights defenders in Brazil are very high, particularly for those working on issues of land, environment, indigenous peoples and LGBTI rights. Corruption and the abuse of power are rampant, particularly in remote areas where sugar cane plantations and the exploitation of the Amazon benefit the rich and powerful and go unchecked by the populist right-wing government, itself tainted by corruption scandals. Those who expose all this and work for the rights of the millions who live in extreme poverty are threatened, criminalised or killed.

Sur • What can people do to support the work of human rights defenders?

ML • As the Irish poet Seamus Heaney said, "I think we were put here to improve civilisation". I would go further and say we have to choose civilisation every day. People should understand that the work of human rights defenders to build civil and just societies is a benefit for all - even if you yourself are not impacted by injustice. We have to get active in shaping a society on the principles of fairness, justice and equality where every voice is heard. So those who can bring voices out should; those who have money should contribute to the NGOs working for the rights of their communities; those who are opinion leaders should speak out about the credibility and legitimacy of the work of human rights defenders. We should all look at how we treat others – have we any unconscious bias in our behaviours and if so, we should work on educating ourselves and our families. We have to educate society and create networks where HRDs will feel more protected.

Sur • How does Covid-19 affect defenders? Do you see a risk in the new forms of surveillance that come with fighting the pandemic?

ML • I've been hearing from HRDs every day since I started working on the mandate a few months ago. Covid is shaping much of their work - some of them have the virus, others are having to adapt what they do to provide food and medicine to their local communities instead of doing policy advocacy. Others feel vulnerable because they have to stay at home and feel they're sitting targets rather than being out and about and on the move. Digital security is obviously more of a priority now, as so much work has shifted online. So yes, there are new risks, particularly in relation to digital surveillance.

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Mary Lawlor. **Photo:** United Nations.[3]

NOTES

1 • *Sur Journal* would like to thank the people and civil society organisations who, at our invitation, sent suggestions of questions and thus, made the interview more plural and participatory.

2 • More details on Mary Lawlor are available at: "Special Rapporteur on the situation of human rights defenders," OHCHR, 2020, accessed July 20, 2020, https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx.

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ART

MAKING THE INVISIBLE VISIBLE
Alice M. Nah and Juliana A. Mensah

A BLANKET FOR HUMAN RIGHTS DEFENDERS
Rosa Borrás

WOMEN WHO WEAVE TOGETHER MEMORIES AND RESISTANCE
Embroiderers from Coyhaique
Bordadoras en Resistencia

ART FOR EMANCIPATION
Mônica Nador

- gallery -

SEWING STRUGGLES, NARRATIVES AND MEMORY

ART &

MAKING THE INVISIBLE VISIBLE

Alice M. Nah and Juliana A. Mensah

• *Foregrounding the emotional journeys* •
of human rights defenders through artistic practice

1 • Introduction

Human rights defenders navigate complex and intense emotional journeys as they face risks. Some of these journeys are experienced collectively; some are undertaken alone. The extent to which defenders feel comfortable expressing their emotions to others are guided by (invisible) standards about what *should* be felt – what sociologist Arlie Hochschild calls 'feeling rules'.[1] Gendered 'feeling rules' that valorise human rights defenders as brave, committed, self-sacrificial and selfless shape what defenders feel they can express to others.[2]

In an international research project examining the experience of over 400 human rights defenders in Mexico, Colombia, Egypt, Kenya and Indonesia, we found that defenders experienced a wide range and depth of emotions – including anger, indignation, fear, anxiety, dread, sadness, grief, resignation, disappointment and hopelessness as well as determination, trust, joy, hope, surprise, excitement, love and solidarity. These are better described as 'journeys', for emotions are rarely experienced in a static way. Defenders move from one emotion to another; their feelings are connected, even when they are contradictory. We found in this study that many defenders felt that they could not or should not share some of their emotions for the sake of others, which sometimes led to feelings of isolation and loneliness.

In this project, we wanted to make visible the breadth and depth of these emotions to wider audiences and to reflect back the experiences of defenders to themselves – so that they would know that they are not alone. As such, we invited an international group of artists with diverse

skills to produce creative responses to some of the research findings. In this article, we explore this creative process as well as some of the key themes that emerged from this research.

2 • Creative research practice

Arts-based approaches have been widely used in human rights research, gaining prominence as a means for producing holistic knowledge and amplifying marginalised voices.[3] The arts have gained traction within social science research as a "critique to the dominance of positivist epistemologies" – as they are seen as enabling "new forms of imagining", and "new registers of analysis".[4] Art-forms are perceived to offer a creative lexicon that complements and challenges dominant paradigms.

In our research, we engaged artists as we sought to create opportunities for the testimonies that had been gathered to be shared widely and in different forms. Ten researchers – five men and five women – conducted interviews, focus groups and administered a survey with 407 defenders in five countries between July 2015 and November 2016. 52 percent of participants were men, 47 percent women, and 1 percent were transgender persons.[5]

The creative process began when Juliana Mensah worked with anonymised transcripts from interviews and focus groups to create a series of verbatim poems. I (Mensah) read the transcripts looking for the emotional centre: the issues that defenders spoke of with most passion or concern. I sought to achieve Leavy's concept of poetry as method, to create words "surrounded by space and weighted by silence" that might "break through the noise to present an essence".[6] Consequently, I edited the interview transcripts into verbatim poems to foreground emotion and highlight difficult social realities.

We shared the verbatim poems and some of the anonymised transcripts with a selection of international artists from the five countries in this study and the United Kingdom. The rich and diverse creative responses they produced included a blanket (by Rosa Borrás featured on the front cover of this Special Issue[7]); poetry films; songs and music; short films; poems; animation; drawings, paintings, and a mural, some of which are described below.[8]

3 • Navigating risk and insecurity

In the mixed media film, 'Greater Than Love',[9] Alejandra Jimenez uses found sounds and illustrative noises, the movement of dancers, and pencil-drawn silhouettes to evoke the intangible interactions between life, risk and death, and the contradictory efforts of making sure family members and loved ones are kept near and safe, while keeping attackers at bay. The fear that defenders face as they witness human rights violations is captured in the oil painting 'The Witness' by Ndereva Mutua, whose graphite pencil drawing 'Backstabbed' pays homage to a Kenyan woman defender whose son was killed in an effort to stop her work.

Like Mutua, several artists used the research material to explore issues faced by human rights defenders who were their personal friends, colleagues and allies. 'Divine' is a visual art work created by Ruben Ochoa in which statistics of the attacks on human rights defenders in Mexico are visualised as three opaque panels that grow progressively larger, forming bars across a pane of glass. Behind the bars, with his hands up, is a local Mexican human rights defender, Padre Alejandro Solalinde, who has been the target of violence. Shades of fear, sadness, anger, determination, trust and joy are explored in Amira Hanafi's interactive digital artwork 'We are Fragmented'[10] which displays quotes from the study as the audience engages with the website, scrolling over and clicking on coloured circles that represent shifting emotions. With care and attention, each artist took the research and created a response that expanded interpretations and initial understandings of the material.

Using illustration, Deena Mohamed[11] highlights factors that make defenders feel insecure, including witnessing human rights violations committed with impunity; feeling the judgement of society; and living in a 'tyrant-ruled state'. She also shows how the factors that make defenders feel secure include solidarity in the human rights community; the belief in the inherent rightness of their work; and practical measures such as maintaining "digital security and (having) a good lawyer". Mohamed ends the series with the quote of a woman defender from Egypt: "in order to continue our work, we must somehow ignore the risks".

4 • The mental and emotional wellbeing of defenders

In this study, 86 percent of the defenders expressed that they were 'somewhat concerned' or 'very concerned' about their own mental and emotional wellbeing; they were as concerned about this as they were about their physical and digital security. Nevertheless, they tended to give only secondary attention to their own wellbeing, prioritising first the wellbeing of victims of human rights violations and the wellbeing of their family members and loved ones.

In 'Room at Region (X)',[12] narrated in Arabic with English sub-titles, Nada Hassan focuses on the experiences of women defenders in confronting enforced disappearances, and dealing with isolation and exhaustion. In the dance film 'Vis-à-vis' by Simona Manni,[13] a dancer moves to express anxiety, fear, suspicion, nervousness, exhaustion and depression, communicating the need for forgiveness, hope, and love. Narrators read excerpts of interviews, sharing defenders' experiences of surveillance, disappearances, and violence.

5 • Conclusion

The art work became a centrepiece for collective reflection as a research team; it was a means by which we could reflect back to the defenders who had participated in the research our responses to the stories they had shared. Finally, the art was also a prompt

for discussion in conferences, exhibitions, and public events with policymakers, NGOs, other human rights defenders and wider audiences.

Art speaks to us on sensory and emotional levels, and in so doing it has the potential to elicit compassion, empathy and understanding. Working with artists enabled us to access different conceptual lenses with which to consider the research material; it allowed for a deeper connection and interrogation of the issues raised in the research. Each of the pieces in this collection reflected the stories of defenders and the meaning of their lives for others. As musician and composer John Otieno Oduor Rapasa observes in his song, Wan Kale,[14] written in the Luo language, "they wiped tear drops; they gave water to thirsty people".

Human rights defenders around the world persevere in spite of the grave risks they face, and we hope that this body of work makes visible – to them as much as others – the emotional journeys they experience that change their souls. We end this article by echoing the words of Ndungi Githuku, who, in an uplifting music video entitled 'Amba',[15] calls for the public celebration of the work and lives of 'heroes and sheroes', past and present. He exhorts human rights defenders around the world, singing:

Rise up, rise up
Don't give up
We shall overcome
Rise up, rise up

NOTES

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4 • Sarah Nuttall and Cheryl-Ann Michael, *Senses of Culture* (Cape Town: Oxford University Press, 2000).

5 • Alice M. Nah (ed.). Forthcoming. *Protecting Human Rights Defenders* (Abingdon: Routledge).

6 • Patricia Leavy, *Method Meets Art: Arts-Based Research Practice* (New York: Guilford Publications, 2014): p. 63.

7 • See the essay by Rosa Borrás in this issue of *Sur Journal,* "A Blanket for Human Rights Defenders" (p. 145 - 149).

8 • All of these artistic works are available in the multi-lingual website in English, Spanish, Arabic, Bahasa Indonesia and Kiswahili: "The Security and Protection of Human Rights Defenders at Risk," Homepage, Security of Defenders Project, 2020, accessed June 15, 2020, https://securityofdefendersproject.org/.

depois da nota #8, completar com mais essas:

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15 • Available in English here: "AMBA by NDUNGI GITHUKU (subtitled)," YouTube video, 03:53, posted by cahruoy, January 29, 2019, accessed August 31, 2020, https://youtu.be/q2-sAS5FuJ4.

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ART &

A BLANKET FOR HUMAN RIGHTS DEFENDERS

Rosa Borrás

1 • Introduction

In Spanish, a *cobija* is a blanket, and *cobijar* means to give shelter, to offer refuge or to protect someone. It is a verb, an action. That is why I like to make blankets from fabric scraps: for me, making a blanket has a great symbolic meaning. And that is why I decided to make one in response to the *Navigating Risk, Managing Security, and Receiving Support* project at York University[1] with a double meaning: human rights defenders protect us, but we also need to protect, shelter and take care of them. We need to give visibility to the work they do, as well as the risks they face and the way they deal with them.

The definition of blanket in Spanish includes the idea of containing something that is not manifest or visible to all, that is covered up. This blanket [whose images are part of the selection of artistic works for *Sur* 30] contains pieces of clothing that belonged to defenders in Mexico from the cities of Puebla, Teocelo and Monterrey (located in the states of Puebla, Veracruz and Nuevo León, respectively), which are the content hidden in it.

When I started, I did not know exactly how I would go about making the quilt. I knew I would embroider words or fragments of writings on it, that it would be made with recycled materials, that gender would be its core issue and that I would incorporate defenders' presence by using their clothes.

Early on, Juliana Mensah and Alice Nah[2] sent me poems, transcripts of interviews and other research materials. I found them very moving and I started embroidering some of the words and poems, which I chose for their power, their beauty and their universality. I embroidered them into pieces of fabrics that I felt were related to their messages.

Once I finished embroidering them, I decided that the best way to build the piece would be to make nine square fabric modules of about 23 x 23 inches each (60 x 60 cm). I would then use the modules together as the basis for making nice compositions, with the embroideries as the centrepiece.

At the same time, I carved some little linoleum prints to stamp images onto different pieces of fabric to create a sense of visual unity, rhythm and other graphic references and to visually integrate all the squares.

When I finished the design for each square, I started sewing and embroidering by hand all the scraps and pieces of fabric and the embroidered poems. Once I finished the nine squares, I sewed them all together with the sewing machine. Then, I laid the backing fabric on my studio floor, put a layer of quilt padding over it and finally, the patchwork on top. I basted everything, made a border and sewed it all together with my machine.

The final and most important stage was to tie the three layers together to stop them from coming apart or moving. It was only then that I invited two friends (one of whom is a defender and donated two t-shirts) to help me. We cut little squares out of the clothes that the defenders had given me and used coloured thread to sew them to different parts of the blanket. For me, this was a very symbolic gesture and maybe the most important one in the whole process: human rights defenders holding us together and supporting all of us through their work and commitment.

2 • About the activists that participated via their clothing

O.V. is the director of a NGO in Puebla dedicated to gender identity and defending LGBTI+ rights and those of people living with HIV. He donated a beautiful shirt made especially for him years ago. He wrote this about it: "It is a manta shirt that I wore during the march "The colour of our land" in 2000 that ended in the Congress with *Comandanta* Esther's speech. I have been involved in the defence of human rights ever since. The EZLN [Zapatista Army of National Liberation] and *Neozapatism* were, and still are, the inspiration for the work I do. This shirt was made by a woman (*artesana*) in Cuetzalan, Puebla. If you look carefully, you'll see it's very well made. I must admit that I felt I was giving up an object full of meaning and fond memories. But it was packed away and no one could see it or knew about it. With your work, it will live again".

N.A. has worked on sexual and reproductive rights and now heads a NGO with many projects, including training on gender issues in Puebla. She donated a t-shirt that was designed by her and her friends for one of the "Marchas de las putas" (SlutWalks) in Puebla.

M.A. is a journalist and co-director of an independent news website, one of the most critical and sentient ones of Puebla and Mexico with a gender perspective. She donated a white blouse that she had used in her daily life for several years. Today, journalism is one of the most dangerous professions in Mexico.

T.D.F. is a journalist and has devoted his work to research and writing about sexual diversity and human rights of LGBTI+ and transgender people. He donated a t-shirt that he had worn to many Pride Marches in Puebla. He explained that purple is the Gay Pride colour.

V.R.A is the co-director of a NGO that works on reproductive and sexual rights and women's health. They also give seminars and workshops about feminism and gender and provide legal assistance for minorities at risk. She donated two t-shirts, one of which was designed for the "1ª Marcha de las Putas en Puebla" (the first ever SlutWalk in Puebla). The other one was designed for a demonstration on AIDS awareness.

C.F.P. is a teacher specialised in intercultural education and has worked on gender issues as well. She donated a manta blouse, the first one she had ever embroidered when she started working with the women of her community, Teocelo, in Veracruz, México. These women taught her to embroider.

C.R.R. is a teacher, writer and feminist activist. She works both independently and with government institutions on the design and enforcement of human rights policy. She is part of a collective group formed by the families of missing persons in Monterrey, Nuevo León. She donated a t-shirt that she had worn on many marches with these families.

G.C. is a lesbofeminist actress and is the director of an independent theatre company. She produces Theatre of the Oppressed (OT) plays and brings them to remote and poor communities in the state of Puebla. She donated a t-shirt designed for a "Marcha de las putas" (SlutWalk) in Puebla.

Regarding the embroidered writings and words, they are based on some of Juliana's poems as well as excerpts from interviews and other research materials. Some verses from these poems read as follows:[3]

Dust on paper

[...]
It's a question of trying to survive.
To fall a thous and times
and get up.
[...]

Greater than Love

Pain
absence,
greater than love
some people do not know
what is to see a chair or a bed
that will never be occupied
by your daughter.
[...]

Safety instructions for women human rights defenders

[...]
Touch vulnerability
To strengthen people,
and not the opposite.

NOTES

1 • "The Security and Protection of Human Rights Defenders at Risk," Homepage, Security of Defenders Project, 2020, accessed July 16, 2020, https://securityofdefendersproject.org/.

2 • See Alice M. Nah and Juliana A. Mensah's contribution to this issue of *Sur*, "Making the Invisible Visible: Foregrounding the Emotional Journeys of Human Rights Defenders through Artistic Practice" (p. 139 - 143).

3 • Juliana Mensah composed these poems from the transcripts of interviews with women human rights defenders who participated in the research project entitled "Navigating Risk, Managing Security, and Receiving Support", which focuses on the experiences of human rights defenders in Colombia, Mexico, Egypt, Kenya and Indonesia. See Security of Defenders Project, 2020, https://securityofdefendersproject.org/.

ROSA BORRÁS – *Mexico*

Rosa Borrás is from Mexico City, where she was born in 1963. She studied graphic design at the Escuela de Diseño del Instituto Nacional de Bellas Artes (EDINBA, or School of Design of the National Institute of Fine Arts, Mexico City, 1981-86) and visual arts at Massachusetts College of Art (Boston, 1989-94). She graduated in cultural administration from Universidad Iberoamericana (Ibero-American University, Puebla, 2008). She is a member of the Museo de Mujeres Artistas Mexicanas (MUMA, Mexican Women Artists' Museum). She has held 23 solo exhibitions and participated in 49 group exhibitions both in Mexico and abroad. She has been the creator and promoter of independent and self-financed cultural projects such as Puebla-Cholula Open Studios and Embroidering for Peace Puebla (Bordando por la paz Puebla) since 2012.

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ART &

WOMEN WHO WEAVE TOGETHER MEMORIES AND RESISTANCE

• *Chilean arpilleras* •

By Maryuri Mora Grisales

Arpilleras are works of art handcrafted by women who work together to embroider illustrations on colourful pieces of cloth. This technique was widely used to resist and denounce the military dictatorship in Chile (1973-1990). It spread throughout Latin America as a form of expression, especially in situations of oppression where public demonstrations were prohibited or repressed.

These tapestries come in various shapes and sizes and different materials are used to represent people and elements of daily life. In 1964, this artistic expression of resistance became known worldwide thanks to the work of Chilean artist Violeta Parra and her exhibition at the Louvre in France.[1] Other Chilean artists have brought arpillera workshops to other countries to contribute to various local struggles.

Arpilleras have thus become a symbol of not only resistance, but also emotional memories; they involve the art of telling stories and weaving bonds of solidarity in social and political contexts fraught with serious rights violations.

In Mexico, Brazil, Colombia and other countries in the region, women's groups have created their own ways of embroidering their struggles and telling their stories to show that the beauty and power inherent in every specific situation can be imprinted on fabric through the use of this technique. The convergence among them lies in the fact that the creative process is almost always based on shared experiences and pain and seeks to exorcise and denounce them in order to survive.

In the case of Chile, references to the coup d'état of September 11, 1973 and the years of the military dictatorship are frequent in the narratives of the women arpillera artists we spoke with for this edition of the Sur Journal. Even though they discussed and showed their more recent works and activities, it is clear that the common thread in their work is their shared past. The women expressed their explicit (and very conscious) need to keep their own memories alive and to collectively redefine their significance in the present context through their embroidery. This is especially important now because of the numerous similarities between recent political events Chile and the context of repression and violence during the period of the dictatorship.

Chilean "arpilleristas" are women of different ages and backgrounds who have adopted embroidering – which culturally is the task of women – as a language and strategy of feminist resistance. By politically appropriating this traditional trade as their own, they turned it into a struggle for rights and a space for mutual support and healing among women.

We present below the brief stories of two Chilean embroidery groups based in different cities who are weaving their paths of resistance, memory and solidarity.

The embroiderers from Coyhaique, a city in the Aysén region (known as one of the gateways to remote areas of the Patagonian region) identified their geographic location as one of their challenges. This is because normally, the country's capital or other large cities are the ones to take the lead in denouncing rights violations and in giving visibility to different struggles. For Gloria and Rocío, two embroiderers who were kind enough to share part of their story with us, one of the main motives for doing what they do is to show what goes on in their region and to recover local memories. "No one knew the names of the disappeared from here", they told us.

They are both part of the *Biblioteca Trinchera Utopía* – a people's library in Coyhaique where activities such as literary exchanges, conversation circles and other forms of cultural coexistence and communal living take place. They have invited other women (and men too) to come to the space to make arpilleras in a process where "you denounce the violence and impunity and announce resistance at the same time". Through the simple, small things, in their everyday lives and with little stitches, they have been "intertwining their lives, the sorrows of the community and their own bodies".

Gloria and Rocío's words reveal the experience of two adult women who survived the dictatorship and bear its marks and the wisdom of those who face today's struggles with courage and caution. They continue embroidering their arpilleras images representing the disappeared, inequalities, social unrest, femicide – and there is no shortage of reasons. "As long as we have the strength to do so, we'll continue", they affirmed.

Based in Santiago, Bordadoras en resistencia (Embroiderers in resistance) have mobilised on social media and by following an agenda of feminist meetings. The group we spoke with

(Inés, Hilda, Nuri, Berta, Cyntia and Ana Maria) met while embroidering or by responding to a call to embroider. For them, it is not about knowing how to embroider, but rather a matter of taking the tools – thread, scissors and needle – and piecing together a message. They mentioned the social uprising of 2019[2] and the feminist protests in Chile, especially the performance by Las Tesis,[3] as important moments in their organising.

The members of Bordadoras en Resistencia – all with different backgrounds, ages and experience in embroidery – reaffirm their desire to come together and make women's rights visible. "Textile activism allows us to take over public spaces", they explained. And that is what they have done: they have come together to embroider in symbolic places in the city, such as the GAM cultural centre (Centro Cultural Gabriela Mistral). On March 8 of this year, for example, they marched with a large banner called "Women's resistance", which had been embroidered in arpillera workshops. The workshops were held after massive calls for participation had been launched in the city.

In their accounts, embroidering always appears as a collective process; an opportunity to connect, share and listen to other women. Every arpillera tells a story, or many stories, and there are different ways of illustrating a situation that they have in common. "Weaving history and sewing our scars has helped us heal, recover memories", they affirm.

The arpillera technique – and the multiple ways that Chilean women have employed it over the years in their struggle to break the silence and end repression and the dominance of the sole voice of power – is a powerful tool of resistance. The stories they narrate and the names and images found on the numerous arpilleras that they have embroidered, individually or collectively, are a record or a way of recording history. They prevent the suffering from falling into oblivion and, at the same time, they demonstrate the strength and creativity of "the people who, despite everything, are still standing".

During the interviews held via Zoom, from their places in Coyhaique and Santiago, the women were happy and proud to show the work done with their own hands. Even though their messages are generally ones of pain or denunciations, they reflect the resilience and beauty of hope kept alive by a technique that never gets old, as it brings together women of all ages.

How did the art of embroidery, sewing and putting together thread and pieces of fabric become a struggle for human rights? The Chilean embroiderers answered this question – implicit in the dialogue that allowed us to document a bit of their history here – with their facial expressions, their stories and their arpilleras.

• • •

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NOTES

1 • Daniela Fugellie, "'Les Tapisseries Chiliennes de Violeta Parra.' Perspectivas sobre una Exposición Realizada en el Museo de Artes Decorativas del Palacio del Louvre en 1964". Artelogie, 2019, accessed August 11, 2020, https://journals.openedition.org/artelogie/3153.

2 • See: "Nº 2 - Urgente: Chile y Sus Demandas. Derechos Humanos y Una Nueva Constitución," Universidad Alberto Hurtado, 2019, accessed August 11, 2020, https://www.uahurtado.cl/wpimages/uploads/2019/12/dossierN2_urgente_chile_y_sus_demandas.pdf.

3 • The feminist collective Las Tesis, from Valparaíso, Chile, led a participatory protest performance called "Un violador en tu camino" (The rapist on your path), which had impacts all over the world in 2019.

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ART &

ART FOR EMANCIPATION

• *Interview with Mônica Nador* •

By Renato Barreto

For Mônica Nador, art, life and emancipation are inseparable. The visual artist, whose earliest works date from the 1980s, studied Fine Arts at the Armando Alvares Penteado Foundation (FAAP) in São Paulo and has a masters from the School of Communication and Arts of the University of São Paulo (ECA/USP) for her work "Wall Paintings". In 2003, Mônica founded the Jardim Miriam Art Club (JAMAC), located in the neighborhood of Jardim Miriam in southern São Paulo, a cultural center whose primary goal is to develop training processes that encourage encounters between art and life, aesthetics and politics, by hosting activities such as workshops, exhibitions, round table conversations and drop-in classes, always with a focus on diversity, civic awareness and the right to the city and to memory.

Addressing the right to culture as a human right, in this interview the artist discusses, among other topics, awareness and appreciation of each person's culture and the importance of art in political and civic awareness. The images that illustrate the projects mentioned over the course of the interview are part of the gallery of artwork selected for this edition of Sur.

Sur Journal • Do you consider your occupation as an artist to be part of what is understood as defense of human rights? Based on this, what meaning do you assign culture these days as an artist?

Mônica Nador • I've always thought that everyone should work to improve society as a whole. I know that I have a somewhat religious mentality, even though I'm not religious, which is why I identified with a text I read once by Meister Eckhart,[1] who was a theologian from the Middle Ages, in which he states that knowledge should not be used for anything else but achieving a situation of equality for all humans and animals on the face of the Earth. This is what has value. We need to work for everyone, and not let anyone suffer. We should do as much as we can to alleviate people's suffering on this planet.

When I was studying architecture, in 1974, it was the height of the dictatorship. We were advised to work on low-income housing, to see how these people live and work. But my school ended up being shut down and I was forced out too. So I ended up doing art. And in art education, we have a very conventional vision of culture – culture is separated from other activities, from society.

Even though I had a good reputation and people liked my work, I never felt right in that environment. That life really wasn't for me, because you have to be extremely competitive. You have to go out and sell your work. You have to be forceful, and I'm just not at all like that, you know? In fact I'm quite the opposite.

I even thought about quitting. I nearly gave up making art at one point, about 10 years into my career when I was working the circuit. But after I started my Masters, I began to understand this concept of the circuit, and how it happens.

This opened my mind and I decided to make art in another way, the way I thought it should be made. That was a really great time because I did this project, Wall Paintings, which removed art from this extremely conventional, bourgeois vision that art is an adornment in your life, and never a structural axis of your life. I fought for this place, for me and for my art. I didn't want my life to be that – an adornment in the life of a collector.

Having said that, the meaning of culture I work with these days is more connected to all other areas, of knowledge and of life, everyday life. Art is not at all separate from life. It's not, like, "oh, art!". I know things have changed a lot, but when I started working 40 years ago, it was all "oh, art!", you know what I mean? Even in my case, ditching this concept took some time. It took a long time.

Sur • How did you come to decide to move to southern São Paulo and found the Jardim Miriam Art Club (JAMAC)?

MN • First of all, it had a lot to do with my project, which involved painting houses with the people who lived in them, with the designs done by them. And so the concept

of shared authorship was born, because I offer an opportunity for these people to contribute and participate in making a work of art. Not only do they learn, but they also make a real contribution.

This came about by studying. In graduate school, I began to understand that what matters the most is choosing your audience. Choose your audience and see who you want to speak to. Myself, for example, because I wanted to speak to the excluded, so to speak, I decided to go to Jardim Miriam to be close to the people who could benefit from my work.

I didn't want to do my work and then pose in exhibitions with photographs of my pieces. I could have done that – and I did for a while – but that isn't what interested me. What I really wanted to do was to contaminate people with this life that we lead, and they have no idea what could happen.

That's how I went looking for my audience. I am from a generation that was forbidden to make socially engaged art. It was considered a bit tacky. One thing I learned is that there is no point doing socially engaged art in a gallery, for example. The talk is always among our peers, and I wasn't the least bit interested in that. What I really wanted to do was intervene in reality.

Sur • What changes and impacts did you observe in the territory from your work and the interaction with the local population, including residents, artists and activists from the region?

MN • Other than the fact that it's very good for your health, that this work lifted people out of depression… Other than this, which I wasn't really expecting, this work had an incredible effect on people's mental health.

But irrespective of this, I'd say that I was lucky to have met Mauro [Mauro Castro, who collaborates with JAMAC since its foundation]. Mauro was a true activist. He was a metalworker for 30 years. Then, when the layoffs started in the early 1990s, he was one of the first to go because he was a nuisance, political, very articulate and a good speaker. He was never interested in a political career, but he plays a very important role in the community – he keeps everyone in line. He gets everyone to do various things.

But when I arrived at JAMAC, I said: "Look, I want to set up this cultural center, but I don't want to do it just for me. If you don't want it, I won't come here and impose myself". Then he said: "Actually, I have no idea what culture is for". You see: he studied social sciences in the evening for 20 years and also had a degree in geography. He had studied a great deal. And yet, he didn't understand my role there. I asked him: "So, what do you like doing?" And he said he liked having classes. So we set up a continuing education project. It was eight to ten years of hard work, bringing people to speak and teach. It was wonderful.

So, Mauro began to understand the role of culture, until he came up with the *Rádio Poste* radio project, which is entirely a part of JAMAC. *Rádio Poste* basically involved

going down to Miriam Plaza once a month with a microphone and talking to people. He would talk about all sorts of things and people would go there to listen. To begin with it was funny, even drunks would be there. Now it's more organized, but it's okay for drunks to go. I think it's great.

He would lay a sheet of fabric that I gave him on the ground and put some books on it. They still do that today. Then people can take these books, steal them, return them the following week… all for free. And so a network of people who do culture, people who do politics and education ended up being organized in the neighborhood.

Sur: Tell us a little about the Wall Paintings project and the involvement of the public who participate in JAMAC's activities in the process of representing their life stories and other subjectivities.

MN • When I started, I wanted to make art for Brazil, you know? So, thinking of the language based on local needs. Using art as a tool and being a platform for social work based on this language. That was the work we did with Wall Paintings, which was to paint the houses of low-income people. Make the art with them. That was a very original idea when I started doing it.

It happened like this: I used to go to the favelas a lot to do this work. At the beginning I noticed something, out in Amazonas, the first time I went to paint houses. I went there, I wanted to paint a house and I asked people to draw things. There was a boy who lived in a house on the banks of the Purus River, 17 hours by boat from Manaus - they didn't even have cars in that village, just one tiny business. That amazing sunset, that red sky, that beauty of the Amazon. And the boy drew the Nike symbol. I felt completely sad and frustrated.

I began to understand that, as I saw it, they had no self-love. The most colorful thing that happened there was television. All the houses were completely rustic, but they all had a damn antenna. Dirt poor, but with an antenna. I also started to realize something else: most of those people have their origin in the countryside, although some were forced to leave the urban centers. It's the people who are driven out of the countryside who go live in the favelas. There, they just don't know how to be urban. They don't know what it is. For them, being urban means consuming.

So, I went there on a rescue mission, for them to rescue their original culture. I started to ask, and I still ask today: "Do you remember anything about your grandmother's house? Do you remember something you liked to do when you were a child?". And things start to flow.

Later, when I went to Gwangju, for an art biennale in Korea, I asked the participants to think about the first image that came to mind when they thought about Brazil. That's the idea, but you can adjust it depending on the circumstances. I can adjust the subject of the question.

But, in principle, it was this: to recover people's culture so they can learn to be a new type of urban. An urban that only they can be, because they just came from the countryside. And it was great because they came up with ox carts, for example, that kind of thing. Really lovely.

Sur: In the case of the Raising Flags project, carried out in partnership with the artist Bruno O., what was the purpose of remembering and portraying women of historical relevance in the defense of human rights in Latin America, whether alive or deceased?

MN • Raising Flags is a project[2] that we did, but the idea for it was much more Bruno's [Bruno O., a visual artist and collaborator of JAMAC]. It's this: we can't let our memories get hollowed out and full of gaps. We need to keep reaffirming all these women. The purpose of remembering is this, to never forget that these people were assaulted, or are assaulted, all the time, and that these people are us.

As a result, I have taken a step further on this issue of human rights, because I included figures with more visibility, so to speak. Although I have also worked with the figure of Che Guevara. But the size was Bruno's idea.[3] He decided to work with women and we already have a lot of them there.[4]

Sur • You and JAMAC participated, in 2019, in the Somos Muit+s (We are Many) exhibition, at the Pinacoteca Museum in São Paulo, in partnership with the Extramuros educational project, which works with homeless people and the trans population. How important is it to engage and work together with other institutions, whether artists or cultural centers, both inside and outside Brazil?

MN • I think it's very important, because we need to draw attention to the network of spaces available for this type of subject. I think it's great that, in my case, I can take over the Pinacoteca Museum with that mass of homeless people, for example. I think it's very important, because we don't want people living on the streets anymore. It's important for us to occupy these spaces. I think it's great that I'm in these places because I put all this into it. It's good to make this mark there. It's all about giving visibility. Giving visibility to these institutions that are more on the sidelines – but I put "sidelines" in inverted commas.

And I don't only work in the third world; I also work in third world enclaves within the first world. In the first project I did on the border between Mexico and the United States, I was working there with a community of *maquiladora* factory workers, directly with these people.[5] And now, in the work we are doing in Oslo, Norway,[6] our intention is to work with immigrants and rescue memories. So, we strive towards people's emancipation, by trying to promote this.

Sur • What challenges do you see for universal access to the right to culture and the right to the city, so there can be, in your own words, "spaces of liberty on every corner"?

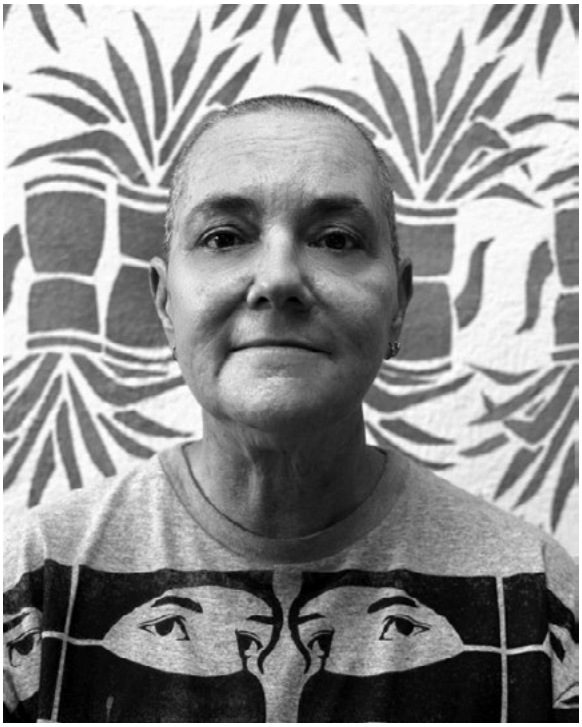
MN • First of all, I went to the urban outskirts because I thought it didn't exist there – that they needed much more than a cultural center. In fact, things have changed a lot now. The "spaces of liberty" in the urban outskirts are the Umbanda religious sites. They are different - not the sort that us whites from the city would recognize.

After all, the official culture exists, among other things, to defend white supremacy. But this is what I think: we are facing a hell of a setback now with Bolsonaro, we are really under threat. I firmly believe that a fight, an expenditure of energy in this cause is really worth it. I have done this my whole life. This is what it's about: the right to culture is the right for you to be who you are. You don't need to strive to be something else. It's you *being*. That's all.

Mauro, who was an activist in the health sector, started to distribute flyers that read: "We have to hold a meeting to discuss the hospital that we need here, and the cultural center". So he then became a cultural activist. At one event we attended together, he said: "I want to tell you something: my cultural development took place in the Candomblé environment". When he said that, I almost kissed his feet and I thought to myself: "mission accomplished".

• • •

Interview conducted by Renato Barreto in June 2020.
Original in Portuguese. Translated by Barney Whiteoak.



Mônica Nador and two of JAMAC's creations, on the wall and t-shirt, made using the stencil technique.
Photo: Gustavo Malheiros.

NOTES

1 • Eckhart von Hochheim, O.P. (Tambach, Thuringia, 1260 - Cologne, 1328), commonly known as Meister Eckhart, a German theologian, philosopher and mystic.

2 • "[...] The installation is an exercise in visibility and memory of those women and it aims to acknowledge presences excluded from a colonial grammar composed of supposedly neutral and universalizing images of the world, but which is exclusively linked to the construction of monuments that are white, male, cisgender, heterosexual and hegemonic." "Mônica Nador", 21st Contemporary Art Biennale Sesc_Videobrasil, 2019, accessed on July 31, 2020, http://bienalsescvideobrasil.org.br/artista/monica-nador.

3 • Each flag was 6 meters high and 1.33 meters wide. They were displayed on the internal ramps of the *Sesc 24 de Maio* building in downtown São Paulo.

4 • Débora Silva Maria (activist and founder of the Mothers of May movement); Marielle Franco (sociologist and city councilor; murdered in 2018); Renata Carvalho (actress and transpologist, in her own words); Cláudia Celeste (actress and the first transvestite to act in a soap opera; died in 2018); Conceição Evaristo (writer); Carolina Maria de Jesus (writer, died in 1977); Zuca Fonseca (psychologist and collaborator of JAMAC); Margarida Alves (unionist); Maria da Penha (pharmacist and activist for women's rights); Nise da Silveira (psychiatric doctor; died in 1999); Joênia Wapichana (indigenous lawyer and federal congresswoman); and Nilce de Souza Magalhães (activist of the Movement of People Affected by Dams; murdered in 2016).

5 • Insite 2000, San Diego (United States) and Tijuana (Mexico).

6 • "Another Grammar for Oslo," osloBIENNALEN, 2019, accessed on July 31, 2020, https://oslobiennalen.no/participant/monica-nador/.

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ART

SEWING STRUGGLES, NARRATIVES AND MEMORY

ROSA BORRÁS
Mexico

BORDADORAS EN RESISTENCIA AND THE EMBROIDERERS FROM COYHAIQUE
Chile

MÔNICA NADOR AND JAMAC
Brazil

We weave stories when we tell them.

Thread is at the heart of civilisation,

in every touch we feel in our skin every day,

in the chores of any community, there is thread,

tessitura,

history.

We sew knowledge together.

But what are these lines?

To whom do they belong?

Where do they begin?

We must activate the tessitura of the sensitive,

the feminine,

the occult

to understand the act of embroidery
as a political act

The mouths of the hands who embroidered
this story were silenced.

The needle penetrates the skin of the fabric

an act of communication,

a fusion of different worlds.

The needle visits other dimensions
to be able to create.

Generate narratives.

It travels across invisible spaces
to become visible.

Two sides of the same fabric,

Two sides of the same story.

Everything that has a front has a back.

A synthesis of understanding.

(Maria Catarina Duncan)

In the Artwork section of *Sur 30*, we present works and projects directly related to the stories of human rights defenders. Through a common element, they symbolically connect the thematic issues of this edition to one another: celebration and protection expressed through the weaving and contexture of different narratives, perspectives and subjectivities.

ROSA BORRÁS

Rosa Borrás' blanket, part of the "Navigating Risk", Managing Security and Receiving Support" project, from the University of York, England. Photos: Alice Nah.

The blanket was made from pieces of fabric donated by human rights activists. Verses of poems written by Juliana Mensah were embroidered onto it.

The inscriptions on the blanket read as follows: "Putas y lesbianas porque nos da la gana" (Sluts and lesbians because we feel like it) and "Sometimes you put your life at risk because you believe that no one should have to remain silent".

The inscription on the blanket says: “If we give in to risk, we cannot accomplish anything”.

The writing on the blaket says: "Hope always" and "Ayotzinapa" (the place where the Iguala massacre occurred on September 26, 2014, marked by the disappearance of 43 students).

To make the blanket, Rosa Borrás used square modules of different fabrics to which she sewed pieces or scraps of fabric and on which she embroidered the poems. She used a sewing machine to join all the pieces together.

BORDADORAS EN RESISTENCIA (EMBROIDERERS IN RESISTANCE) AND THE EMBROIDERERS FROM COYHAIQUE

Arpilleras from groups of Chilean women in projects of collective creation and storytelling. **Photos:** projects' collection.

THE EMBROIDERERS FROM COYHAIQUE

Arpillera of the memory, which reminds us that during the dictatorship, the 2nd Police Station of Puerto Aysén was a place of execution and torture. Since the return to democracy, it has been associated with human rights violations.

THE EMBROIDERERS FROM COYHAIQUE

Arpillera "Nuestras cuerpas, primer territorio de lucha" (Our bodies, first territory of struggle), embroidered in Coyhaique, 2018.

THE EMBROIDERERS FROM COYHAIQUE

People embroidering collectively in Puerto Cisnes, a meeting organised by the youth of this community, which was facing the threat of extractivist projects, in the summer of 2017.

THE EMBROIDERERS FROM COYHAIQUE
Arpillera in defence of the Cisnes River.

BORDADORAS EN RESISTENCIA
Chilean embroiderer at the "Women in Resistance" workshop held at the Centro Cultural Gabriela Mistral (GAM cultural centre), February 2020.

BORDADORAS EN RESISTENCIA

Group of embroiderers displaying their arpilleras at the end of the "Women in Resistance" workshop at the Centro Cultural Gabriela Mistral (GAM cultural centre), February 2020.

BORDADORAS EN RESISTENCIA
Part of the embroidery on the "Embroiderers in Resistance" banner.

Violador eres tu
y la culpa NO era mia
el violador eres tu
FEMINISMO TOTAL
QUIEN AMA
NO MATA
NO VIOLA
NO MALTRATA
NO
NO
VIVAS NOS QUEREMOS
SOMOS
RESISTE
UNIDAS
Vivas nos queremos
1ES LINEA
LA REVOLUCIÓN DE LAS MUJERES
NI UNA MAS

BORDADORAS EN RESISTENCIA

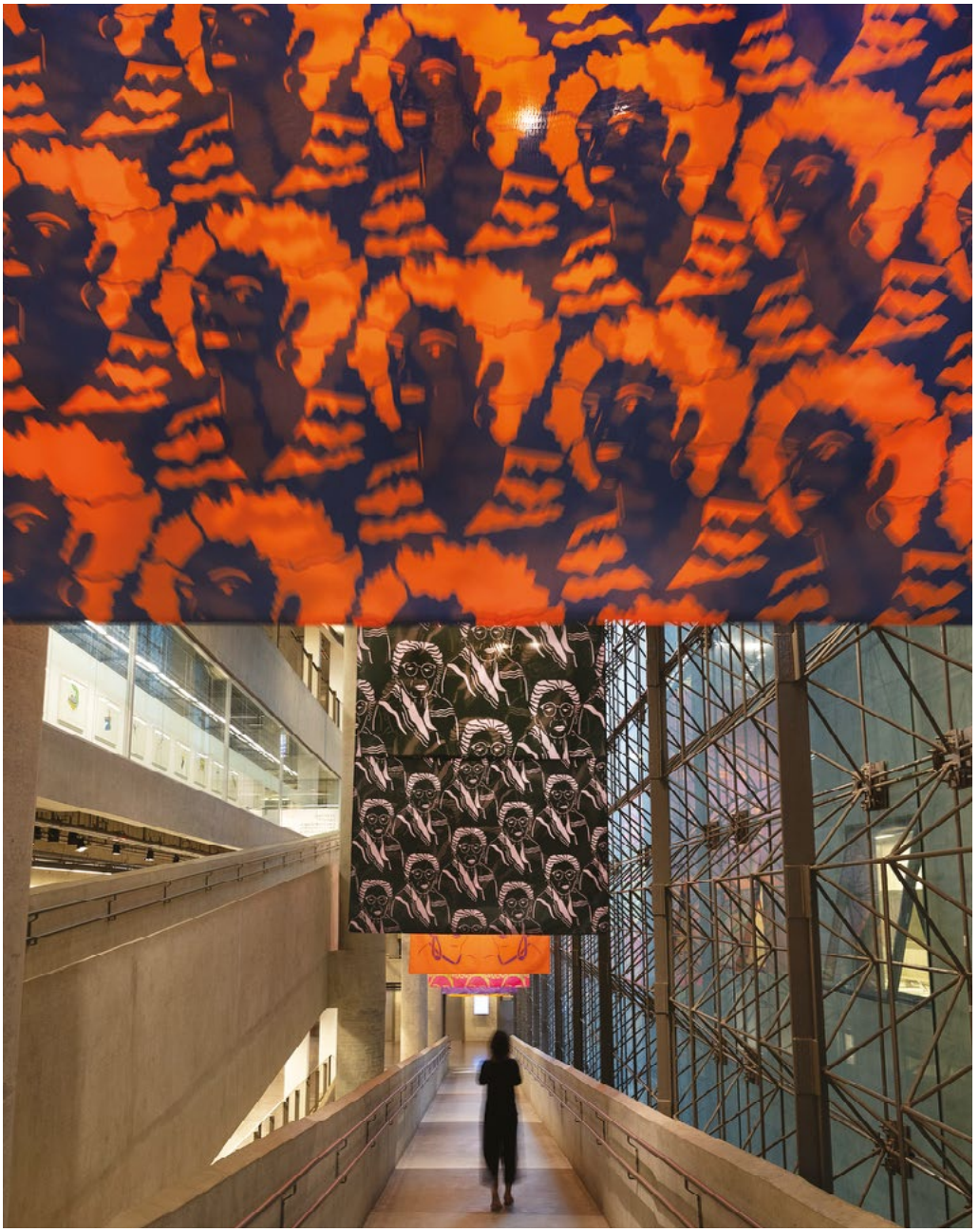
Embroiderers carrying the "Embroiderers in Resistance" banner during the women's march on March 8, 2020 in Santiago de Chile.

MÔNICA NADOR AND JAMAC

Projects and exhibitions by the artist and Jardim Miriam Art Club.

Before: One of the houses that participated in the Wall Paintings project, in Jardim Santo André (2008). **Photo:** Jerônimo Vilhena.

After: the facade of the same house after the artistic intervention (2008). **Photo:** Jerônimo Vilhena.



Fabric from the Raising Flags installation printed with the faces of Marielle Franco and Nise da Silveira, among others. The flags are part of the 21st Contemporary Art Biennale Sesc_Videobrasil, at *Sesc 24 de Maio* (2019). **Photo:** Everton Ballardin.

Fabric panel developed in partnership between JAMAC and the Extramuros project of the Center for Educational Action of the Pinacoteca Museum, as part of the Somos Muitxs (2019) exhibition. The prints were created in drawing and wood engraving workshops by people who live on the streets and in shelters who participate in social projects located around the museum. The images were then transferred to the fabric by the staff at JAMAC using the stencil technique and sewn by Carol Elizabeth R. Martínez (@victoriaconfeccoes), from Chilean origin, who collaborated on the project. **Photo:** Renato Barreto.

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INFOGRAPHICS

HUMAN RIGHTS DEFENDERS: A JOURNEY
Design • Lucas Gomes

DECLARATION ON
Human Rights Defenders

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

09.12.1998

date of adoption of the Declaration

Adopted by consensus by the United Nations General Assembly

WHO ARE THE DEFENDERS?

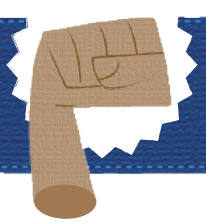
Ordinary men and women who act for the respect of human rights, for instance freedom of expression, the rights of women, of indigenous peoples or gay, lesbian, transgender and intersex people. **They can act alone or in organizations.**

HOW CAN YOU SUPPORT HUMAN RIGHTS DEFENDERS?

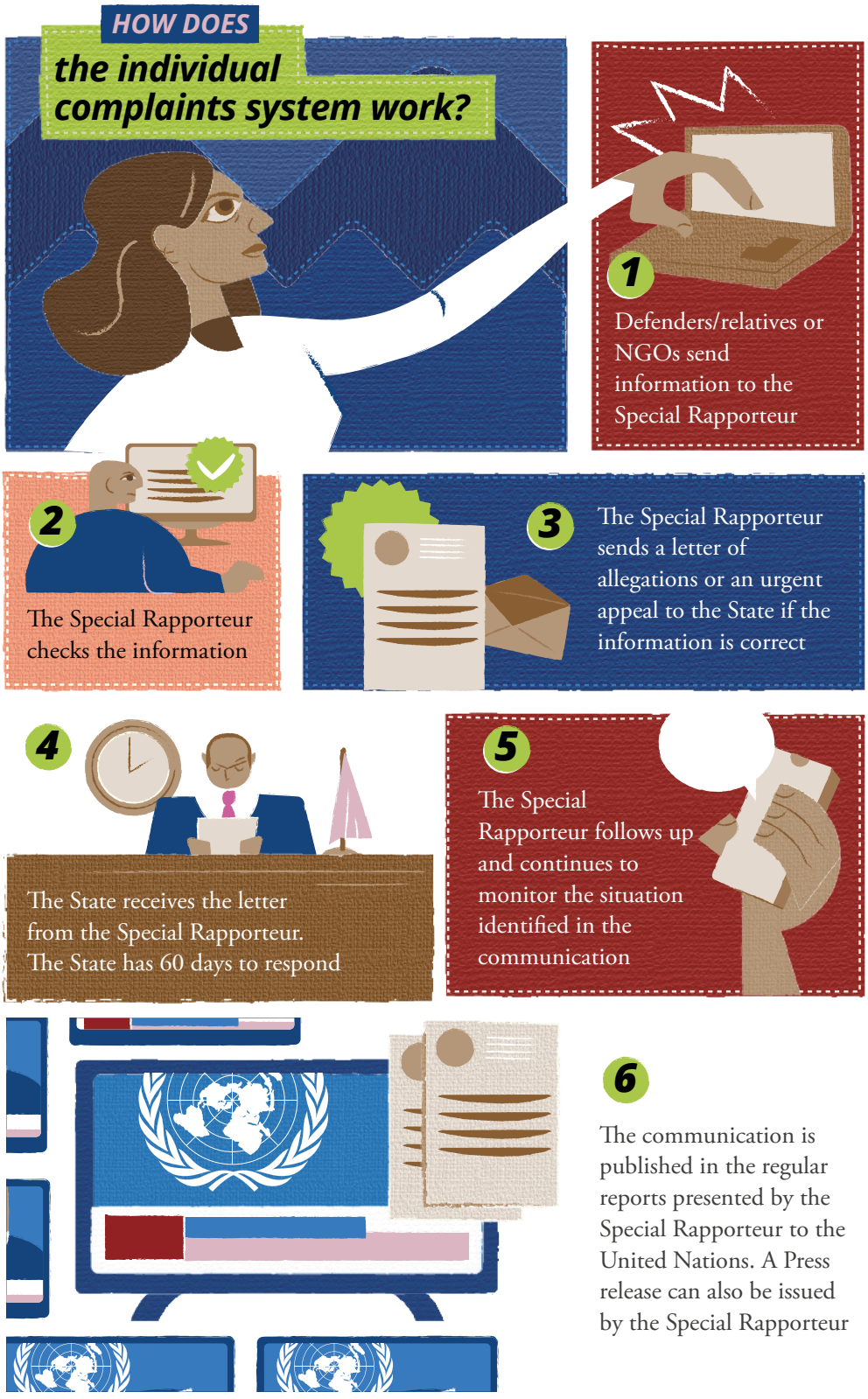
- **A** Circulate information on the Declaration on human rights defenders
- **B** Contribute to the recognition of the work of human rights defenders
- **C** Support the organizations who help and protect human rights defenders
- **D** Act for defenders at risk

WHAT IS THE STATUS OF THE DECLARATION?

The Declaration is based on, consolidates and reflects binding international law relevant to the promotion, protection and defence of human rights



Be a human rights defender! Everyone has the right, and the responsibility, to promote and defend human rights


HOW DOES
the individual complaints system work?
1
Defenders/relatives or NGOs send information to the Special Rapporteur
2
The Special Rapporteur checks the information
3
The Special Rapporteur sends a letter of allegations or an urgent appeal to the State if the information is correct
4
The State receives the letter from the Special Rapporteur. The State has 60 days to respond
5
The Special Rapporteur follows up and continues to monitor the situation identified in the communication
6
The communication is published in the regular reports presented by the Special Rapporteur to the United Nations. A Press release can also be issued by the Special Rapporteur

9 KEY DATES
of the UN mandate on the situation of Human Rights Defenders

Established in 2000 by the United Nations to help implement the 1998 UN Declaration on human rights defenders. Three independent experts have been appointed as mandate holders.

HINA JILANI

2000 Appointed by the United Nations

2001 First country visit: Colombia

2006 First report presenting the situation country by country

MARGARET SEKAGGYA

2008 Appointed by the United Nations

2011 Publication of a commentary on the UN Declaration on human rights defenders

2013 Publication of a report on the elements that ensure a safe and enabling environment for human rights defenders

MICHEL FORST

2014 Appointed by the United Nations

2015 Publication of a report on the global situation of human rights defenders, based on 7 regional consultations with more than 500 participants from 110 countries

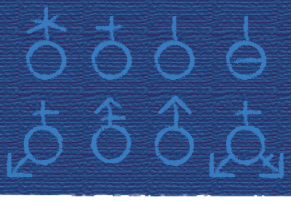
2016 (October) Publication of a report on environmental human rights defenders

SEVEN PRINCIPLES to protect human rights defenders

1. Develop a rights-based approach, empower defenders and increase the ability and accountability of those responsible for their protection

2. Recognize the diversity of defenders; they come from different backgrounds, cultures and belief systems

3. Integrate a gender perspective and adopt an intersectional approach

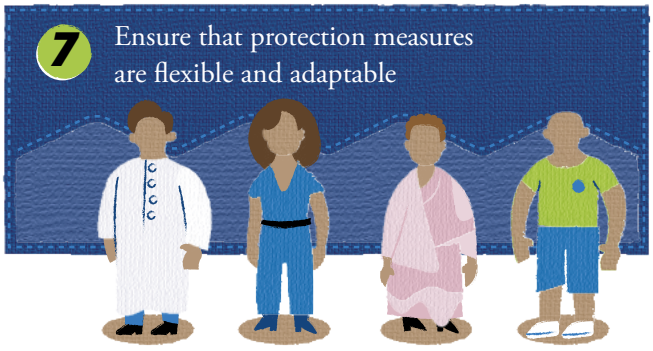


4. Focus on the "holistic security" of defenders, in particular their physical safety, digital security and psychosocial well-being

5. Recognize the interconnections between defenders. Groups, organizations, communities and family members share their risks

6. Ensure active participation of defenders in all stages of protection strategies

7. Ensure that protection measures are flexible and adaptable



Data for these infographics were taken from the latest report by Michel Forst, former UN Special Rapporteur on the situation of human rights defenders (2014-2020), and inspired by the infographics of the same publication, which were designed to make more accessible and friendly the information regarding the Declaration on Human Rights Defenders and the functioning of the mandate. This report is available here: www.protecting-defenders.org/sites/protecting-defenders.org/files/V-EN-complet-0526.pdf. For more information: **www.protecting-defenders.org.**

VOICES

PERIFACONNECTION: SHARING PROTAGONISMS
Raull Santiago
Nina da Hora
Salvino Oliveira
Wesley Teixeira
Jefferson Barbosa

IN DEFENCE OF THE LAND
Erika González

VOICES

PERIFACONNECTION: SHARING PROTAGONISMS

Raull Santiago • Nina da Hora • Salvino Oliveira • Wesley Teixeira • Jefferson Barbosa

• *Another way of defending human rights* •

ABSTRACT

Through the PerifaConnection network, five young, black Brazilians raise their voice to defend rights and reclaim the power of the territory of the periphery. They have become a reference in both the dispute over the narratives about the peripheries and collective organising.

KEYWORDS
Peripheries | Black youth | Voices | Power

To reduce me to survival is to steal what little good I've lived
("Amarelo", Emicida)

This is what we at PerifaConnection want to express when we say that our mission is to dispute the narrative about the peripheries. The Brazilian media has helped build the imagery of favelas and peripheries as places of violence and extreme poverty. Lots of people have only heard about favelas because of the film "City of God" (2002). We at PerifaConnection want to deconstruct this imagery. To show the world that our socioeconomic weaknesses are only part of a whole that, just like in any other region of the world, contains joy, sadness, strength and a great deal of hope.

It is important to celebrate our stories: peripheral and black. One way to celebrate is precisely by asserting what is good in us, as bodies and territories full of life and humanity. We are five young people whose ancestors were migrants that fled droughts, slaves and quilombolas, and we are influenced by Candomblé, by Christianity, by Racionais MC's and by Rappa.[1]

All five members have previous experiences, with at least ten years working in other areas: Raull Santiago is one of the most active voices in the media from the periphery in Brazil; Nina da Hora works with one of the essential tools of our time, which is technology; drawing on all his ancestry, Wesley Teixeira has more than a decade's worth of experience in the Baixada Fluminense region mobilizing for grassroots education; Salvino Oliveira offers a reflection on the public sphere through Academia; and Jefferson Barbosa covers all this in the production of journalistic information.

When we say "peripheries", we are also including rural areas, centenary old quilombo communities, indigenous villages that are constantly under attack and that, through their resistance, set an example for collective and political organization. There are many and multiple peripheries that exist in Brazil, with strong connections created between them.

PerifaConnection is a gathering point, a meeting of these peripheral voices that, despite having been a reference for several generations, now have more possibilities to be protagonists in all processes. Our network is predominantly young and black, but it also draws on other peripheral experiences, including those in Maré (Rio de Janeiro), in Capão Redondo (São Paulo), in Nordeste de Amaralina (Bahia) and in Alto Zé do Pinho (Pernambuco).

Sharing protagonism does not mean a rotation of visibility, but the instead sharing our strengths. A *pajelança* ritual of different narratives, in the words of the historian Luiz Antônio Simas,[2] which in PerifaConnection are reinforced through several media outlets.[3]

When considering the different approaches that peripheral black youth can and already do take in the media, we developed initiatives, together with organizations and activists, that enhance our impact using technology as a major ally in the communication and

union of different cultures. PerifaConnection's first organized cycle is taking place this year, 2020, as we have started publishing weekly articles in the *Folha de S.Paulo* newspaper[4] – also inviting other voices besides the five of us; bringing other activists and communicators to these hegemonic "media cannons" to wake up the big house from its unjust dreams, to quote Conceição Evaristo.[5]

In addition to debuting the first season of our podcast, we have also started organizing a meeting for 2021 for the Durban Conference, with the intention of recovering our achievements and presenting some of these legacies to the new generations of black and peripheral activists. A pluralistic diaspora, rich in life and wielding power in the face of injustice. We believe that the training process is crucial for our narratives to continue to take shape, such as the LAB on the environment and peripheries, in partnership with the Instituto Clima e Sociedade (Climate and Society Institute).

We debate among ourselves, and for society as a whole, relevant issues that our affective, geographical and political places present. We occupy spaces that have historically been denied us, connecting a network and making our voices resonate as human rights defenders, even at a time when everything points to inhumanity.[6]

When we think of PerifaConnection, we think of this collaboration with networks that are already engaged, but that are not always visible, since there is always someone trying to cover our mouths and speak on our behalf. We have our own voice and we walk our own walk.

Our commitment is to convey the fruit of years of work building democracy, and the legacy of activists/heroes like Abdias Nascimento, Nilma Bentes,[7] Mãe Beata de Yemanjá,[8] Raoni Metuktire, Chico Mendes and the doctor Jurema Werneck. We want to metabolize all this legacy, collaborating and increasingly strengthening fresh voices, which are not new, but essential.

We know that we need to stay alive and defend a healthy way of life. And this concern is not just about ourselves as individuals, but also about how collective our bodies are.

Our experience as black and peripheral defenders is underpinned by this fundamental premise: that we are alive. After all, what we are building are perspectives on life so other young people can also play the role they want in the building of a more just society. An essential part of all this is to remain active, as many activists have had their physical and mental health compromised by their daily struggles.[9]

This is why, when we propose other ways to defend and guarantee human rights from our own places, we are disputing narratives and lives. Essential.

Photo: PerifaConnection.

NOTES

1 • Bands that formed in the urban outskirts of São Paulo and Rio de Janeiro, respectively, that are known for portraying the reality of life in the favelas. Among their best known songs are "Diário de um detento" (Diary of a detainee) and "Minha alma" (My soul).

2 • Luiz Antônio Simas, "Da Costa Africana às Matas e Esquinas do Brasil: A Fé é Festa" (Course, Livraria da Travessa, Rio de Janeiro, September 14, 2019).

3 • A series will be launched in the audiovisual field in 2020. Previously, we participated in the magazine CartaCapital and the podcast Mamilos.

4 • "PerifaConnection," Folha de S.Paulo, [n.d.], accessed June 8, 2020, https://www1.folha.uol.com.br/colunas/perifaconnection/.

5 • Davi de Castro, "'Não Escrevemos para Adormecer os da Casa-grande, Pelo Contrário', diz Conceição Evaristo sobre escritoras negras." TV Brasil, June 8, 2017, accessed June 8, 2020, https://tvbrasil.ebc.com.br/estacao-plural/2017/06/nao-escrevemos-para-adormecer-os-da-casa-grande-pelo-contrario-diz-conceicao.

6 • We have been in existence for just over a year;

in 2020 we felt the effects of the coronavirus pandemic and, in collaboration with the NGO Criola and the Marielle Franco Institute, we helped 20,000 families in the fight against hunger during the quarantine.

7 • Founder of the Center for Studies and Defense of Black People of the State of Pará (Cedenpa).

8 • Ialorixá of the religious site of Ilê Omiojúàrô in Miguel Couto (Nova Iguaçu), an important religious leader and activist for blacks, women and LGBTQs and against religious intolerance.

9 • In order to tackle this, next year a joint initiative of ours will focus on assuming and promoting self-care/cure strategies. Ana María Hernández Cárdenas and Nallely Guadalupe Tello Méndez, "O Autocuidado Como Estratégia Política," *Revista Sur* 26 (dec. 2017), accessed June 8, 2020, https://sur.conectas.org/en/self-care-as-a-political-strategy/.

RAULL SANTIAGO – *Brazil*
Raull Santiago is a member of the Papo Reto (Straight Talk) Collective and from the Alemão favela complex he tackles the debate on drugs from a constructive angle that he also develops at #Movimentos, a group of young activists and residents of favelas who address the issue of drug policies from the perspective of the favela. He is also one of the leading voices denouncing human rights violations in Brazil.

NINA DA HORA– *Brazil*
Nina da Hora works primarily with technology for black women and girls. From Duque de Caxias. Computer Scientist from the Catholic University of Rio de Janeiro with a major in computational research. 2018 Scholarship Apple WorldWide developers conference. Research Scholarship Youth Program Internet - CGI 2020. Creator of the Ogunhe Podcast (in which she explores important names from the African continent who have contributed to the sciences and to technologies). Member of PerifaConnection. Developer of #Merepresenta #TretaAqui #Agoraeahora and a volunteer at Pyladies.

SALVINO OLIVEIRA – *Brazil*
Salvino Oliveira is a public administrator and institutional relations advisor. He lives in the Cidade de Deus favela where he works in the defense of human rights. He has been coordinator of the +Nós community project, which offers preparatory courses for university entrance exams with the goal of democratizing access to higher education in Brazil, and is the cofounder of the Manivela project, which aims to drive changes in favelas and suburbia. He currently works as a consultant at the Rio de Janeiro State Public Defender's Office.

WESLEY TEIXEIRA – *Brazil*
Wesley Teixeira lives in the Morro de Sapo favela where he runs the Movimenta Caxias neighborhood movement in the city of Duque de Caxias and is an activist for the Movimento Negro Unificado (MNU) black movement. He became an activist at age 12 in the student body at his school C.E. Irineu Marinho. He was coordinator of the student union in the city and is one of the founders of the RUA group, which was created after the street demonstrations of June 2013. He is a member of the Voz da Baixada group and runs the +Nós community education project. An evangelical since childhood, Wesley combines his faith with social issues through his church, in the Evangelical Front for the Democratic Rule of Law.

JEFFERSON BARBOSA – *Brazil*
Jefferson Barbosa is a journalist, member of PerifaConnection and of the free media group Voz da Baixada. A resident of Duque de Caxias, in the Baixada Fluminense region of the state of Rio de Janeiro, he works as a human rights defender through the media and as an advocate of Afro-Brazilian, youth and peripheral issues. He is also a member of the Nuvem Negra Coletivo (Black Cloud Collective) and the Coalizão Negra por Direitos (Black Coalition for Rights). As a reporter, he writes for press outlets such as Folha de S.Paulo, NEXO and Globo.

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VOICES

IN DEFENCE OF THE LAND

Erika González

• *A documentary project featuring women defenders* •

1. Introduction

The year 2021 marks the 50th anniversary of the publication of the Latin American work *Open Veins of Latin America* and the fifth anniversary of the death of its author, Eduardo Galeano. By way of tribute and with the goal of answering the question "Why is Latin America still bleeding?", we decided to make a documentary featuring the stories of struggle and resistance of five women from the Latin American region.

"En defensa de la casa grande" (In defence of the land, in English), its temporary title, is a documentary project focused on five women environmental activists who are currently fighting against large extractivist corporations (that are building hydroelectric dams, mega-mining projects and highways in the middle of the jungle) and even their own governments to protect natural resources. The protagonists struggle to preserve their territory and its natural resources in one of the world's most dangerous regions for activists, especially those who defend land and the environment.[1]

In the documentary, the activists will illustrate just how intense their struggles are, as they are forced to face an economic model based on inequality, militarisation, racism and patriarchal culture. As a result, they are exposed to physical and verbal attacks, death threats, criminalisation, sexual abuse, murder attempts and femicide.

Even though our protagonists are only five women, there are hundreds or thousands of women just like them in various regions of the Global South. Although they live in different countries, such as Bolivia, Brazil, Colombia, Honduras and Peru, they demonstrate the complexity of the struggle for a same goal: to defend the Earth, natural goods and the

rights of their communities against the pillaging and repression of unlimited corporate extractivism and their own governments.

In the documentary, the five women community leaders report on the illegal strategies that extractivist corporations use to impose themselves on the territories, while shining light on their racist and patriarchal nature. They also present their own strategies to confront them.

Marqueza lives in the Bolivian Amazon; Bertita, in the countryside in Honduras; Isabel, in the Cordillera Central mountain range in Colombia; Carolina, in the overexploited region of Minas Gerais in Brazil, and Máxima, in the Peruvian mountains. Despite the distance between them, they share a common objective: they all lead their community's resistance against the abusive extraction of natural resources from their land.

Matthieu Lietart was the one who had the original idea for this project. After having produced a documentary on corporate lobbying in European institutions, *The Brussels Business*, he wanted to give visibility to and denounce the power and abuses of large corporations and how they are affecting people in the Global South.

As for myself, I coordinated a European NGO network based in Brussels called Grupo Sur, which has become the EU-LAT Advocacy Network. We monitored the impacts of the relations between the European Union and Latin America and denounced how asymmetrical they were and how they were established mainly to satisfy Europe's commercial interests and its hunger for a supply of raw materials.

Based in Brussels and on our experience in our field of action, Matthieu and I noted that 50 years after the publication of Galeano's book, one of his main conclusions is still true today: "Underdevelopment is not a stage on the road to development. Underdevelopment is the historical result of development elsewhere".[2]

This is why we want to expose in the documentary how the so-called "development" in the North affects people in the South and the health of the planet. We also want to show how important it is to resist and act locally, nationally and globally.

This project aims to raise awareness among citizens globally, as it has the potential to reach a wide audience. It targets decision makers in both Latin America and Europe to push them to adopt policies that do not affect or violate human rights in Latin America. Another goal is to pressure states to participate, promote and, when the time comes, ratify the binding treaty on business and human rights that is currently being negotiated at the UN.[3]

2 • The project's challenges – the funding issue

When Matthieu invited me to join the project, I saw it as a massive awareness-building tool

that would be of great use to organisations working on human rights. We have been working on this project for a year and a half now. It will be funded mainly by civil society organisations. We are confident that it will have a major impact on the media and in terms of outreach.

Matthieu and I chose to fund the documentary with contributions from NGOs and other civil society organisations because we also want to give visibility to the work that some organisations from the North do to defend natural resources and prevent human rights violations in the South. We want to demonstrate that while the Global North is responsible for the impacts of extractivism in the Latin American region, its civil society also contributes to the search for solutions and the defence of natural goods.

It has not been easy to find funding, but in total, close to 15 organisations, mostly European ones, believe in this project and are co-financing it. This means that they will be able to use the material for their communications and advocacy campaigns. We do not want to co-produce the documentary with a television network, as this would limit the use of the documentary by NGOs and all the rights of use and distribution would go to the television network. By working with "copyleft" rights, we guarantee that the funders can use this material in their different activities without having to ask us for permission or pay for it.

The Covid-19 health crisis caught up with us in the middle of two film shoots, between Brazil and Honduras, and has forced us to take a break. However, now, more than ever, we are convinced of the importance of making the negative impacts of the extractive industry in Latin America widely known. While people are confined to their homes, some governments have taken advantage of the situation to grant concessions and the companies, especially mining corporations, are promoting themselves as economic agents that are essential for reviving economies in the region.

"En defensa de la casa grande" will debut in the fall of 2021. We hope that in addition to the organisations co-producing this documentary, all other organisations working on the same issues – that is, environmental justice, women environmental defenders, alternatives to development, food sovereignty and many others – join the project in its dissemination phase.

Photo: The film shoot with one of the women activists interviewed (Brumadinho, Brazil).

ERIKA GONZÁLEZ – *Colombia*
Érika González has a degree in journalism. Feminist. She worked for five years as the Executive Secretary of the European network of NGOs Grupo Sur, where she was responsible for the implementation of the organisation's advocacy strategy. This network has recently merged to form the EU-LAT Network, which regroups 40 NGOs, European social movements and organisations that promote solidarity between the people of Latin America and Europe.

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EXPERIENCES

TWO STEPS FORWARD, ONE STEP BACK
Ashvini Rae

FROM SELF-CARE TO COLLECTIVE CARE
Lisa Chamberlain

WOMEN ACTIVISTS IN THE FIELD OF HUMAN RIGHTS AND BUSINESS
Amanda Romero Medina
and Julia Mello Neiva

PROTECTION, SELF-CARE AND THE SAFETY OF HUMAN RIGHTS DEFENDERS
Simone Cruz
and Jelena Dordevic

THE MINNESOTA METHOD FOR HUMAN RIGHTS CHANGE
Todd Howland
Shelby Ankrom
Gonxhe Kandri
Paul Olubayo
Hannah Shireman
Alli Strong-Martin
Amelia Shindelar

EXPERIENCES

TWO STEPS FORWARD, ONE STEP BACK

Ashvini Rae

• *Does social media help or harm* •
Indian Women Human Rights Defenders?[1]

ABSTRACT

Drawing on original interview data, this article analyses the impact of social media on Indian Women Human Rights Defenders (WHRDs). It argues that social media can help WHRDs to expand their advocacy, but can also leave them open to online threats, which can translate into offline risks. It also argues that WHRDs face threats due to their gender, as well as other factors, meaning that it is vital to consider this topic in both a gender-sensitive and intersectional way. Overall, this article concludes that social media both helps and harms WHRDs.

KEYWORDS
Women human rights defenders | Social media | Trolling | Risk | Intersectionality | India

1 • Introduction

Women Human Rights Defenders (WHRDs) across the globe advocate for human rights through their activism. However, many WHRDs are at risk of threats and abuse due to their gender, as well as other factors. While social media can help WHRDs to speak out, it also opens them up to online threats, such as trolling, which can also lead to offline risks, namely physical harm or violence.

In 2019, the United Nations Human Rights Council stated: "[WHRDs] are often subjected to online harassment, violence and attacks, which include threats of sexual violence, verbal abuse, sexuality baiting, doxing... and public shaming... The online terror and slander to which women are subjected can also lead to physical assault".[2]

This article explores the impact of social media on Indian WHRDs using data collected through interviews[3] with five Defenders:

Defender A – founder of a Women, Peace and Security NGO in Chennai
Defender B – founder of an Anti-Violence Against Women and Girls NGO in Chennai
Defender C – independent women's rights activist based in Chennai
Defender D – founder of an Anti-Violence Against Women and Girls NGO in Kanpur
Defender E – journalist and writer based in Mumbai

The data shows that WHRDs can use social media to expand, publicise and organise their activism. It also shows, however, that WHRDs are subjected to online threats motivated by misogyny and other intersecting forms of discrimination that can also lead to offline risks. Therefore, social media both helps and harms Indian WHRDs.

2 • What are the main benefits of social media for WHRDs?

The Defenders I interviewed all spoke about the benefits of using social media, namely that it helps them to connect with other WHRDs, publicise their work and organise grassroots activism.

2.1 - Connecting WHRDs

Social media helps WHRDs to connect and expand their networks. As Defender B told me, social media "allow[s] more and more women to come together", which helps her to "connect with... [other WHRDs] across India very easily". Defender D supported this, saying that social media has helped her NGO to "reach out to a much larger audience" and "share resources and information". Similarly, Defender A said that her NGO has "found donors... [and] allies online". Social media helps WHRDs to connect and find potential supporters, making it a useful tool.

Furthermore, as Defender D said, "there's a sense of solidarity amongst women and... activists" on social media. Defender B's experiences support this: "[I wrote] my own story as a survivor of different kinds of violence... Telling my story allowed me to heal beautifully". Defender C told me that she recently used social media to defend a colleague who was being trolled, which shows the "sense of solidarity" that Defender D described. Social media can help WHRDs to build community and experience solidarity, although it can open them up to the possibility of being trolled similar to that suffered by Defender C's colleague.

2.2 - Getting Publicity

Another benefit of social media is that it can help WHRDs to publicise their work and expand their advocacy. For instance, Defender C said that she can "get the attention of stakeholders [and] the media" through social media, particularly Facebook. Defender E also told me that "social media has played an important role in amplifying my voice… [and] plays a big role in getting publicity", though she still thinks that social media is "a toxic space, as much as it amplifies your voice".

2.3 - Facilitating Grassroots Activism

Social media can also help WHRDs to organise grassroots activism, which tends to be time-consuming and come at a high cost. Defender C, who is a member of several women's rights organisations and forums, told me, "I'm juggling too many things... social media is a tool to support my... activities". Defender D also said that social media has helped her NGO to "reach out to so many people, call for volunteers and have people join us in... campaign[s]", which shows how social media can help in the recruitment and mobilisation of activists.

However, Defender A described social media as "an auxiliary mode of mobilisation" and said that it is grassroots activism that creates "real change". Similarly, as Defender B said, "what you see on social media is… a tiny fraction of what's happening on the ground" and is "just one more gust of wind in the sails of feminism in India". Social media, therefore, helps to support grassroots activism, but should not be seen as a substitute for it.

3 • What are the main risks of social media for WHRDs?

While WHRDs can benefit from social media, they also face online threats and offline risks that tend to be gender-specific and intersectional by nature.

3.1 - Online Threats

Social media can open WHRDs up to threats and trolling. As Defender C argued, "if you want to threaten a woman, cyberspace is very convenient". Similarly, Defender D told me that trolls can find "comfort in the fact that... they aren't face-to-face", while Defender

B said they are "emboldened by the fact that they have two computer screens between them". These factors, combined with the fact that social media has "no checks and balances" (Defender E), mean that trolls can easily target WHRDs.

The abuse that Indian WHRDs face "reflects the general patriarchal society" (Defender C). For instance, Defender E told me she has faced "misogynistic hate" online, including death and rape threats. Her opponents have also used "deepfake"[4] technology to edit her face onto a pornographic video in an effort to discredit her. Defender B described similar experiences: "I am trolled on a nearly daily basis... [and] receive death and rape threats". As the experiences of Defenders E and B show, WHRDs face gender-specific trolling that can seek to intimidate them by threatening (or in the case of the "deepfake" video, removing) their sexual autonomy.

3.2 - Offline Risks

The online threats faced by WHRDs can also translate into offline risks. For instance, Gauri Lankesh, a journalist and vocal critic of Hindu nationalism, was shot outside her home in 2017. She has been described as "the most high-profile Indian journalist murdered in recent years",[5] which is a stark reminder of the risks WHRDs face every day. As Defender E said, there is "a very fine line that differentiates online and offline [threats]". Similarly, Defender B told me: "I've had stalkers who I thought I shook off... but it turns out that they can access me even more easily [now]". Using social media not only opens WHRDs up to online threats, but also to offline risks that can pose a threat to their physical safety.

4 • Different Experiences

Different WHRDs experience these threats and risks in different ways. In addition to misogyny, there are other forms of intersecting discrimination, such as Islamophobia, casteism and anti-LGBTQ+ discrimination, that shape the trolling they face.

For example, Defender E faces trolling not only because of her gender but also because of her religion and anti-Hindu nationalist stance. She told me, "[trolls] call me 'Jihadi Jane'[6] or... claim that everything I do is about jihad", which is a very specific combination of misogyny and Islamophobia. She also said, "there are women in India who are critical of the government... but if a Muslim woman does that, it is seen as 'how dare she speak up, how dare she question the government, how dare she impose her views on us?'". As Defender E's experiences show, we must acknowledge the different and intersecting forms of discrimination that different WHRDs face.

In addition to Islamophobia, Indian WHRDs can also face trolling due to casteism. For instance, Meena Kandasamy, a Dalit[7] activist and author, was "threatened with acid attacks and televised gang rape"[8] after tweeting about a beef-eating festival held in Hyderabad.

Another example is Kiruba Munusamy, an Indian Supreme Court lawyer and activist, who faces misogynistic and caste-based abuse online and said, "when you are a Dalit, a woman and dark in colour, many do not even come forward to raise their voices for you".[9]

WHRDs can also face trolling due to their sexual orientation and gender identity. According to one report, "[activists] who wrote about LGBT issues said that they had experienced harassment from... groups that believe homosexuality undermines... Indian culture".[10] Delta's #StrongestTogether campaign also highlighted the trolling LGBTQ+ Indians face. For instance, one woman revealed that she was told online that "bisexuals... would do it with anyone", while another woman was told that "you just need to find a real man – you will stop liking women once you meet me" and a transgender woman was asked if she is "an ugly guy or [an] ugly girl".[11]

Any discussion of this topic must acknowledge that different WHRDs might face additional or different risks due to intersecting forms of discrimination. Therefore, the experiences of WHRDs cannot be generalised.

5 • How can WHRDs reconcile these benefits and risks?

Social media brings new benefits and risks to WHRDs, raising a very important question: how can WHRDs reconcile these opposing forces?

Defender B told me "when you're working in the feminist space, every day is two steps forward, one step back... so you're just really waiting for that forward step". She also said, "if you're passionate about something, you'll make heavy personal sacrifices". Defender D said that social media can "take a toll on you as an activist" but that "the rewards outweigh the risks", which supports Alice Nah's argument that "cultures of human rights practice tend to emphasise self-sacrifice".[12]

All of the Defenders that I spoke with told me that it's important for WHRDs to engage in active self-care. Defender D described social media as "exhausting and... non-stop", while Defender B described it as "taking its toll", which is why WHRDs must prioritise self-care. Defender A argued that, "as activists, we all have the right to set our limits online", while Defender C said that staying safe online is important, "not only for... [WHRDs], but for all women". For instance, Defender C told me that she has taken steps to strengthen her online privacy settings, while Defender E only reads Twitter responses from verified accounts.

Some of the Defenders I spoke to even said that they find being trolled satisfying. Defender D said, "I like to see [trolling] in a positive light... it means that I'm making a difference", while Defender B described it as "an indicator... that you're on the right track, that you're making a change". As Defender E said, "we all have our bad days, but sometimes you can ignore it knowing... you've managed to make an impact".

However, a WHRD's willingness to engage with social media will depend on her experiences with it. Defender E told me that "many of my colleagues have left social media... some of us have the bandwidth to handle it, while others don't". While Defender B actively engages with her trolls, Defender E deliberately avoids them for the sake of her self-care, which shows how different WHRDs might set different limits.

Despite the risks associated with using social media, many WHRDs continue to use it, which is a testament to their dedication to defending human rights and proof of the complexity of the relationship between WHRDs and social media.

6 • Conclusion

To conclude, this article has explored Indian WHRDs' experiences on social media. It has argued that social media helps WHRDs to expand their activism, but also opens them up to both online threats and offline risks. These risks are gender-specific and shaped by other forms of discrimination that WHRDs might face (Islamophobia in the case of Defender E), showing the importance of taking a gender-sensitive and intersectional approach. Social media, therefore, both helps and harms WHRDs and, as Defender B said, can be described as "two steps forward, one step back".

NOTES

1 • Note to reader: Please be aware that this article contains explicit references to Violence Against Women and Girls, including stalking, sexual abuse, and rape, as well as references to Islamophobia, casteism and anti-LGBTQ+ discrimination.

2 • "Situation Of Women Human Rights Defenders - Report Of The Special Rapporteur On The Situation Of Human Rights Defenders," A/HRC/40/60, United Nations Human Rights Council, January 10, 2019, accessed June 23, 2020, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/60.

3 • Data collection took the form of five semi-structured interviews, which allowed me to understand the Defenders' lived experiences. However, these experiences should not be seen as universal due to the limitations, such as the fact that I was only able to conduct interviews in English. Defender A. Interview with A. M. Rae. March 14, 2019. WhatsApp; Defender B. Interview with A. M. Rae. March 16, 2019. Skype; Defender C. Interview with A. M. Rae. March 25, 2019. Skype; Defender D. Interview with A. M. Rae. April 4, 2019. Skype; and Defender E. Interview with A. M. Rae. April 15, 2019. WhatsApp.

4 • "Deepfake" software allows users to create fake (but convincing) photographs or videos.

5 • "Man Arrested For Indian Journalist Murder," BBC News, March 9, 2018, accessed June 23, 2020, https://www.bbc.co.uk/news/world-asia-india-43345449.

6 • "Jihadi Jane" is a derogatory comment which

tries to suggest Defender E is a terrorist or jihadist. It is a gendered and Islamaphobic comment as neither a Hindu woman, nor a Muslim man, would be referred to as "Jihadi Jane".

7 • Dalits are the lowest caste in Indian society and often face casteism and discrimination.

8 • Japleen Pasricha, "'Violence' Online In India: Cybercrimes Against Women & Minorities On Social Media." Feminism in India, 2020, accessed June 23, 2020, https://feminisminindia.com/wp-content/uploads/2016/05/FII_cyberbullying_report_website.pdf.

9 • Mariya Salim. "Online Trolling Of Indian Women Is Only An Extension Of The Everyday Harassment They Face." The Wire, July 8, 2018, accessed June 23, 2020, https://thewire.in/women/online-trolling-of-indian-women-is-only-an-extension-of-the-everyday-harassment-they-face.

10 • *Ibid*.

11 • "#StrongestTogether ," YouTube video, 03:50, posted by Delta App, May 16, 2018, https://www.youtube.com/watch?v=jekNCM0zFao.

12 • Alice M. Nah and H. Dwyer Smith, "Gender, Intersectionality, and Security." Human Rights Defender Hub Policy Brief 6, Centre for Applied Human Rights, University of York, 2018, accessed June 23, 2020, https://securityofdefendersproject.org/.

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EXPERIENCES

FROM SELF-CARE TO COLLECTIVE CARE

Lisa Chamberlain

• *Institutionalising self-care to build organisational resilience and advance sustainable human rights work* •

ABSTRACT

Human Rights Defenders (HRDs) across the world report a common experience of closing space for opposition to oppressive repositories of power, whether at the hand of government or the private sector. One of the strategies of resistance developed by HRDs to combat these challenges is the practice of self-care. Self-care is a broad concept that can include a wide variety of measures that contribute to wellbeing and build resilience. However, for HRDs working in organisations, self-care is most effective when it is institutionalised. This calls for a shift in mind set from self-care to collective care. This article will discuss the need for this shift and suggest some possible practical features of a collective care approach at organisational level.

KEYWORDS

Self-care | Collective care | Resilience | Sustainability | Organisational development

1 • Introduction

In a global climate of growing authoritarianism and closing space for opposition and dissent, those working to realise human rights (referred to as Human Rights Defenders or HRDs) face increasing levels of threat. These threats come in a variety of forms including restricted access to information, attempts to discredit HRDs, restrictions on access to funding, a clampdown on protest activity, surveillance, intimidation and harassment, abuse of the legal system in the form of unfounded claims for defamation (referred to as SLAPP suits), criminalisation, physical violence and assassination.[1] Significantly, the threats faced by HRDs more broadly manifest in particularly gendered ways for Women Human Rights Defenders (WHRDs).[2] This is often because WHRDs are perceived as challenging accepted socio-cultural norms, traditions, perceptions and stereotypes about their femininity, sexual orientation, and the role and status of women in society. WHRDs are thus targeted both for who they are (as women) and for what they do (defending human rights).[3]

In addition to these – largely external – threats, HRDs also confront harmful norms within their communities, movements and organisations. Dangerous stereotypes and perceptions filter through the world of human rights that suggest that to be a 'true' HRD, you must sacrifice all and work yourself to exhaustion in furtherance of the greater cause. In many places, the culture of activism can expect, and even celebrate, putting yourself at risk.[4] HRDs work long hours, rarely take time off, and ignore the need to take care of their health and wellbeing. Self-sacrifice is a cultural norm and as a result, HRDs face high levels of burn-out.[5]

Nevertheless, despite these internal and external threats, it is widely acknowledged that HRDs play a critical role in furthering the realisation of human rights, and thereby in promoting democracy, sustainable development and the rule of law.[6] Ensuring a safe, healthy and enabling environment in which HRDs can do their work is therefore extremely important. This article will examine self-care as a strategy to respond to these threats by: locating self-care as a political act, emphasising the need to institutionalise self-care by moving towards a collective care approach, and discussing the possible contents of an organisational collective care policy, as well as the resources needed to support it.

2 • Self-care

2.1 - Self-care as a strategy of resistance

Resilience is a form of protection that consists of preparing yourself to overcome threats and trauma.[7] One of the key resilience-building methodologies developed by HRDs, particularly those in the feminist movement, is the practice of self-care.[8] Self-care is a strategy of resistance that can include a wide variety of measures that contribute to wellbeing and build resilience. Self-care is not about a quick fix, but about forming habits that build resilience. So what does self-care look like?

HRDs occupy a dual position in that they work with victims of human rights violations and can be victims of such violations themselves. This gives rise to high levels of both primary and secondary trauma.[9] In these circumstances, a critical component of self-care is access to psycho-social support.[10] Other features of an individual self-care plan can include: reliance on support systems of family and friends, engaging religious and spiritual beliefs, taking care of health through sleep, exercise and diet, mindfulness practices such as meditation and yoga, the use of art, music or nature to facilitate relaxation and wellbeing, managing a relationship with technology and setting boundaries around working hours.

An approach which centres self-care invites HRDs to reflect on whether it is true that what they have to do cannot wait for them to eat, sleep, rest and enjoy themselves for a while. Such reflection acknowledges that in their quest to do more, HRDs end up physically and emotionally exhausted, which inhibits their ability to carry out our work effectively.[11]

2.2 - Self-care as a political act

The practice of self-care is not easy to develop. One of the key challenges associated with the practice of self-care is the pervasive guilt experienced by HRDs when it comes to looking after themselves. The idea of 'taking time out' from important struggles is one that many HRDs battle to come to terms with. Guilt of this nature is exacerbated for HRDs who provide services such as lawyers and social workers. For them, the 'real' trauma is that experienced by their clients and therefore 'who are they to be doing something as indulgent as going to a movie or taking a yoga class'.

Thankfully, the feminist movement has given us some tools to move away from this destructive thinking and towards an understanding of self-care as a political act. audre lorde famously summed this up as follows: "Caring for myself is not self-indulgence, it is self-preservation, and that is an act of political warfare." Using this framework, self-care is not an add-on to the work of a HRDs, to be exercised only when there is time or resources, but is considered part and parcel of the very work itself. Put another way, in the words of Norma Wong, "[l]ack of self-care is a form of repression. Radical self-care is an interruption of violence against ourselves".[12]

One of pioneers of this approach is the Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras) which was created in 2010 with the goal of generating alternatives for the protection, self-care and safety of women in Honduras, Guatemala, El Salvador, Mexico and Nicaragua. IM-Defensoras have expressly adopted two key feminist principles as the basis of their approach to self-care. The first is that the personal is political. This principle frames their reflections on the importance of seeing themselves as political subjects who do for themselves what they want for others – triggering reflective questions such as whether they would like the people they support to have workloads like theirs.[13] The second principle is that revolution must not come at the cost of pleasure – motivated by anarchist activist Emma Goldman who is famous for saying, "[i]f I can't dance, I don't want

to be part of your revolution." Understood as a political act and strategy of resistance itself, self-care can therefore more easily be integrated into the work of being a HRD.

3 • From self-care to collective care

IM-Defensoras remind us that "the principle of self-care is linked to the idea that we feel emotions, not only because we are human, but also because we live in a community and are constantly relating to other people."[14] One of the challenges of practicing self-care, is that even if HRDs understand that it forms part of the work itself, engaging in it still has consequences for their work. This is particularly stark in NGOs. If an HRD working in an NGO takes a week off in order to rest and recuperate, the work they are busy with does not necessarily stop, which means that a colleague will need to pick up the slack while they are away. If not carefully managed, this has the potential to create divisions within organisations as perceptions form that some are given space to engage in self-care while others are not. A balance must therefore be struck between the individual practice of self-care and its impact on the organisation more broadly.

It is also important to understand that self-care has *benefits* for the organisation as a whole. An HRD maintaining a self-care practice is likely to be more productive, more innovative and more collaborative. In addition, resilience-building though self-care will head off burnout and thus enhance an organisation's ability to retain its staff.

Practicing self-care on an individual basis therefore has consequences for other people in an NGO in both positive, and potentially negative, ways. For these reasons, it is critical that we shift our thinking from self-care towards the notion of collective care. For HRDs working in organisations, collective care is self-care institutionalised.

4 • Possible features of an organisational collective care approach

In order for NGOs to adopt an organisational approach aimed at promoting collective care, a couple of considerations need attention. For starters, it is critical that leaders set the example. Whether consciously or not, we take our lead from those higher up in an organisation than ourselves. If the head of an NGO preaches self-care but works themselves to the bone, the guilt associated with self-care will remain, and harmful organisational culture about work ethic will not change. For an organisational approach to be truly effective, it is also necessary to get buy-in at board level so that board members not only understand any changes to budget and workload needed to implement collective care, but ultimately become stewards for ensuring that the organisation and its people take care of themselves.[15]

Secondly, we must acknowledge that organisational structure can affect an organisation's ability to implement collective care in a number of ways. Consider for example an

organisation which is staffed primarily with *young* people, with only a few more experienced people in the organisation available to provide guidance and take key decisions. This kind of bottom heavy structure places a much higher burden on the handful of experienced colleagues, placing them at risk of burnout. The reverse can also be true: if there are lots of senior people but only a few junior colleagues who bear the burden of doing all of the 'leg-work', those junior colleagues may also feel more constrained in taking leave, thus increasing their risk. So adopting a strategy of collective care also involves assessing organisational structure, either with a view to shifting it, but at least in order to understand how it influences the practice of collective care.

Thirdly, one of the risks of an organisation promoting the practice of collective care is that – because self-care can often be difficult to implement – HRDs just end up judging themselves and/or others for not practicing 'enough' or 'adequate' self-care. If this happens, self-care just becomes another thing on a never-ending to do list. Care must thus be taken that the promotion of collective care does not merely compound existing guilt. Strong organisational messaging is important in this regard. HRDs must be made to feel that a self-care practice is personalised, an evolving thing, and something which no-one 'does perfectly'.

It is important that discussion about collective care does not remain just a conversation but actually translates into concrete action. One way to begin this is through the development of a written organisational policy on collective care. Policy drafting signals commitment and an acknowledgment of the need to institutionalise self-care. It also provides a platform for discussion within an organisation. Furthermore, it presents an opportunity to concretise the idea that working in a sustainable way which builds both individual and organisational resilience is a *collective* responsibility. This kind of collective approach is important because collective care only works if there is buy-in across the organisation, as its practical implementation may mean changes to the worklaod and working conditions of everyone in the organisation, as well as to significant shifts in organisational culture.

The suggestions which follow are made with the aim of providing organisations with some ideas about what could be included in a collective care policy. Their appropriateness will be context specific in different countries depending on factors such as economic circumstances, safety environments and religious and cultural contexts. Any organisational collective care approach needs to be nuanced to the needs of a particular organisation and its people. There is no one-size-fits-all approach. Whether and how a collective care policy can be implemented will also depend on organisational size, budget, leadership and organisational culture. With this in mind, these ideas are not meant to be prescriptive in any way, but rather to be used as a tool by those advocating a collective care approach to further its practical implementation.

One of the most important features of a collective care approach is the provision of psycho-social support. Providing colleagues with access to psychologists, psychiatrists and/or life coaches, on an anonymous basis, and at the organisation's expense, can help to address this. As a complement to addressing mental health needs, supporting initiatives focussing

on physical health is a good idea. This can take the form of assisting colleagues to access information about what kind of medical aid might be appropriate for them and their families, and contributing to medical aid costs wherever possible. Organisations should also think about ways in which they can pro-actively facilitate healthy lifestyles – for example by establishing well-being programmes which could contribute to gym membership, or run seminars on topics like good nutrition, meditation, yoga or whatever else might be appropriate to the context.

Paying attention to the actual amount of time colleagues spend working is also a key part of developing a collective care approach. This can be difficult as human rights violations don't keep office hours, but during those times when an emergency is not present, practices like setting a time when everyone leaves the office (and holding each other to that) can be useful. Making sure to take a lunch-break, preferably as a team, also enhances productivity and creativity and builds social cohesion within the organisation. Asking colleagues to avoid sending messages on organisational WhatsApp groups (or groups of a similar nature if WhatsApp is not used due to security concerns) outside of traditional office hours unless absolutely necessary can also assist to facilitate meaningful downtime.

Managing the leave practices of an organisation is also key. HRDs tend to err on the side of not taking whatever leave they are entitled to. In such circumstances, leaders may well have to pro-actively encourage colleagues to take leave rather than waiting for leave requests to come in. Again it is important for leaders to set the example and take leave themselves. Moreover, if a colleague is on vacation leave, then they should not be doing things like answering emails. This kind of practice is common in human rights organisations and needs to be actively discouraged. Using a collective care policy to encourage colleagues to put organisational WhatsApp groups (or their equivalent) on mute while on leave is worth considering.

An innovative idea used by some organisations is the concept of a 'pillow day'. Pillow days are used to cater for those times when you wake up and just cannot face getting out of bed and going to work due to intense fatigue, trauma, depression or a range of possible other reasons. Organisations can allow everyone to take a set number of pillow days per year. Writing this flexibility into a collective care policy acknowledges that the work done by HRDs is hard, and is unlikely to be abused.

Encouraging and facilitating the taking of leave and reasonable working hours are an important part of a collective care approach. But doing so will have limited effectiveness if colleagues feel that their workload is so big that they are only barely keeping their heads above water as it is. In these circumstances asking them to leave the office at 17h00 or not to work over weekends might just make things worse. As a complement to regulating working hours wherever possible, it is thus also necessary to monitor and manage workloads. Saying no to human rights work, either as an individual or an organisation, can be excruciatingly difficult when faced with people who are suffering, need help and have no-where else to go. However, some system of regulating workload is absolutely vital to avoid burnout and organisational

implosion. It is also useful if decisions about what work to take on are taken collectively as this alleviates the burden on one individual to make the difficult calls to say no.

Organisational dynamics always weave through issues like workload and work hours. It is important that these issues are discussed as openly as possible, as transparency will help to eliminate perceptions that some categories of staff receive preferential treatment. Sensitive dynamics like gender and parenthood also need to be recognised in determining how workload and work ethic is approached. For example, women who bear primary responsibility for childcare may need additional time off or more flexible working hours. Likewise, affording the same flexibility to men can encourage them to challenge traditional societal norms around childcare.

An additional feature of an approach which encourages working in a sustainable way is the introduction of a sabbatical programme which allows colleagues to take time off for anything from one month to one year (as is possible within an organisation). Sabbatical is not vacation leave but may provide the colleague with time to recuperate from a particularly stressful time or traumatic event. It can also be used in order to focus on a particular piece of research or for the generation of new and creative ideas that are fed back into the organisation. Sabbaticals are increasingly being used by NGOs as a way to prevent burnout[16] and as part of a broader recruitment and retention strategy.

Nevertheless, care must be taken that allowing one colleague to go on sabbatical does not just increase the pressure on those remaining. Workload and timing around sabbaticals must therefore be very carefully managed. If resources allow, particularly in cases of a longer sabbatical, the organisation may consider bringing someone else in to cover the work of the colleague on sabbatical while she is away. Furthermore, clear and transparent criteria must be used to determine who, when and under what circumstances sabbatical is allowed. Failure to do so may result in harmful perceptions about favouritism within the organisation.

Something else to think about where HRDs are working together in an office environment is the actual physical work environmental itself.[17] For example, it doesn't make much sense to be promoting healthy eating if the communal kitchen isn't equipped to facilitate this. If many colleagues are interested in integrating mindfulness into their individual self-care plans, a collective care policy can support this by dedicating a space in the office to meditation or yoga. The office should be a place that colleagues look forward to coming to, so attention to details like wall colour, plants and artwork can be an important part of a collective care plan. In addition to being of daily benefit to colleagues, an attractive workplace can also form part of a staff recruitment and retention strategy (thus ultimately feeding back into the sharing of workload and having a direct impact on levels of fatigue and burnout).

Another possible dimension to a collective care policy is the support of access to retreats and places of sanctuary. In some countries, HRDs may be fortunate enough to have access to places of sanctuary such as Casa La Serena which is run by IM-Defensoras as part of

their comprehensive protection strategy. The establishment of places like this is a welcome development in the light of the difficult conditions in which HRDs carry out their work. It provides a model from which other movements, coalitions and organisations can learn.

5 • Funding collective care

Some of the questions frequently raised in connection with both self and collective care is how much it costs, what time it takes, and whether these limitations are prohibitive. IM Defensoras challenge the idea that money or time is a limitation. They advocate for a focus on contact with nature, moments of reflection, breathing exercises and the appropriation and enjoyment of the body, which generally have more to do with willingness than economic resources.[18] Nevertheless, while at an organisational level some of the ideas discussed above may cost nothing (such as taking lunchbreak together), others may require significant financial outlay from the organisation (such as access to psycho-social support or employing temporary workers to provide relief for those on sabbatical). These needs must be factored into an organisation's annual budget and fundraising targets. Concomitantly, there is an obligation on the donor community to support initiatives which promote the practice of self-care and particularly its institutionalisation in the form of collective care. So many donors require their grantees to think about the sustainability of their interventions. Implementing a collective care policy is a direct response to that concern.

6 • Conclusion

HRDs carry out their work in a world which is increasingly hostile. They also operate in the midst of a harmful culture of pushing themselves to the limit. As Brian Reich put it – ''[w]e are going to kill ourselves trying to change the world".[19] If human rights work is to continue, we *must* heed this warning. HRDs are fighting powerful forces. Sustainability is absolutely critical for this fight to be effectively waged. It is therefore worth spending time and energy exploring strategies which build resilience.

Self-care has emerged as an important part of resilience-building. Self-care is a proactive measure which HRDs can take to cope with the immense pressure they are in and to prepare for tough times ahead, but also to regain a sense of joy and fulfilment in their work. Nevertheless, self-care is not an easy practice to cultivate. One of its biggest obstacles is guilt. Framing self-care as a political act which forms part of the work of an HRD is a helpful way to overcome this.

For HRDs working in organisations, individual self-care practices are helpful but the best results are achieved when self-care is institutionalised into what is referred to here as a 'collective care' approach. Possible elements of a collective care policy include: access to psycho-social support, measures that promote physical health, careful management of

workload and working hours particularly through leave practices and innovations like sabbatical and pillow days, creating an enabling physical work environment and supporting the use of retreats and places of sanctuary.

Practically implementing these measures is not always easy. Attention must be paid to the relevance of organisational structure and organisational culture. In addition, transparency in how these practical mechanisms work is key, and broad buy-in at all levels of an organisation – and from the donor community – is necessary. Importantly, there is no one perfect model and a collective care approach must be contextual, nuanced and fit-for-purpose. Although not without challenges, collective care is worth exploring as a resilience-building mechanism. For HRDs it may make their work continue to be possible at all, and in a way which sustains rather than depletes them. Restored, nourished and uplifted, HRDs can achieve great things.

NOTES

1 • See, for example, Report "Enemies of the State," Global Witness, July 30, 2019, accessed May 4, 2020, https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/; East and Horn of Africa Human Rights Defenders Project, "Networks for the Protection of Human Rights Defenders: Notes from the Field," *Journal of Human Rights Practice* 5, no. 3 (2013): 522; Karen Bennet, Danna Ingleton, Alice Nah, and James Savage, "Critical Perspectives on the Security and Protection of Human Rights Defenders," *International Journal of Human Rights* 19, no. 7 (2015): 887.

2 • WHRDs are a subcategory of HRDs encompassing both HRDs who identify as women, but also any HRDs who work on gender issues or in defence of women's rights. See further "Report of the Study on the Situation of Women Human Rights Defenders in Africa," African Commission on Human and People' Rights, 2017, accessed May 4, 2020, http://peacewomen.org/sites/default/files/report_of_the_study_on_the_situation_of_women_human_rights_defenders_in_africa.pdf.

3 • Inmaculada Barcia, "Our Right to Safety: Women Human Rights Defenders' Holistic Approach to Protection." Awid, March 2014, accessed May 4, 2020, https://www.awid.org/sites/default/files/atoms/files/Our%20Right%20To%20Safety_FINAL.pdf, p. 5, a report facilitated by the Association for Women's Rights in Development as part of its work as Chair of the Working Group on Urgent Responses for WHRDs at Risk of the Women Human Rights Defenders International Coalition.

4 • Jane Barry and Vahida Nainar, *Insiste, Resiste, Persiste, Existe: Women Human Rights Defenders' Security Strategies* (Oakland: Urgent Action Fund

for Women's Human Rights, 2008): 29.

5 • Beth Kanter and Aliza Sherman, *The Happy, Healthy Nonprofit: Strategies for Impact without Burnout* (New Jersey: John Wiley & Sons, 2017): 7.

6 • See for example the preamble to "273: Resolution on Extending the Scope of the Mandate of the Special Rapporteur on Human Rights Defenders in Africa," ACHPR/Res.273(LV)2014, African Commission on Human and Peoples' Rights, 2014, accessed May 4, 2020, https://www.achpr.org/sessions/resolutions?id=320, which recognises "the importance of the work carried out by civil society stakeholders, in particular human rights defenders collaborating with the African human rights system, for the promotion and protection of human rights, democracy and the rule of law in Africa". See also Ulisses Terto Neto, *Protecting Human Rights Defenders in Latin America: A Legal and Socio-Political Analysis of Brazil* (London: Palgrave Macmillan, 2018): 33-38.

7 • Carlos Patiño Pereda, "Resilience in Times of Oppression," *Sur Journal* no. 26 (dec. 2017).

8 • Barcia, "Our Right to Safety," 13. See also IM-Defensoras, "A Feminist Alternative for the Protection, Self-Care, and Safety of Women Human Rights Defenders in Mesoamerica," *Journal of Human Rights Practice* 5, no. 3 (2013): 446.

9 • "Defending Human Rights: A Resource Book for Human Rights Defenders," East and Horn of Africa Human Rights Defenders, 2nd ed., 2012, accessed May 4, 2020, https://www.defenddefenders.org/wp-content/uploads/2011/07/EHAHRPD_Resource_book_ENG.pdf, 25-27.

10 • Barry and Nainar, *Insiste, Resiste, Persiste, Existe*, 84.

11 • Ana María Hernández Cárdenas and Nallely Guadalupe Tello Méndez, "Self-care as a Political Strategy," *SUR Journal* 14, no. 26 (2017): 174.

12 • Kanter and Sherman, *The Happy, Healthy Nonprofit*, 6.

13 • Cárdenas and Méndez, "Self-care...," 173.

14 • *Ibid*., 175.

15 • Kanter and Sherman, *The Happy, Healthy Nonprofit*, 122.

16 • See Deborah S. Linnell and Tim Wolfred, "Creative Disruption: Sabbaticals for Capacity Building and Leadership Development in the Nonprofit Sector." Third Sector New England and CompassPoint Nonprofit Services, 2009, accessed May 4, 2020, https://www.issuelab.org/resources/8888/8888.pdf, a study commissioned by the Rasmuson Foundation.

17 • See Kanter and Sherman, *The Happy, Healthy Nonprofit*, 136-141.

18 • Cárdenas and Méndez, "Self-care...," 175.

19 • Uttered by Brian Reich, Director of the Hive, a special projects unit of USA for UNHCR quoted in Kanter and Sherman, *The Happy, Healthy Nonprofit*, 8.

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EXPERIENCES

WOMEN ACTIVISTS IN THE FIELD OF HUMAN RIGHTS AND BUSINESS

Amanda Romero Medina and Julia Mello Neiva

- *Voices of two activists from Brazil and Colombia* -

ABSTRACT

This article presents the views of two Latin American women who are Regional Representatives of the Business & Human Rights Resource Centre (or CIEDH for its acronym in Spanish) in the context of the debate on the impacts of business on human rights and the rights of nature. Júlia Neiva, from Brazil, worked for seven years at CIEDH on Brazil, Portugal and Portuguese-speaking African countries and then, returned to Conectas. Amanda Romero has worked as the South America Representative for CIEDH for nine years and counting. Raising more questions than answers, they make it clear that the business and human rights field is developing rapidly and more collective efforts are needed to overcome the serious problems that the communities face.

KEYWORDS

Businesses | Human rights | Full compensation | Civil society

1 • Introduction

This article shares the experiences of two Latin American women working as Regional Representatives at the Business & Human Rights Resource Centre (Centro de información sobre Empresas y Derechos Humanos, or CIEDH for its acronym in Spanish) in a context where feminist discourses and the practices of women's movements have increasingly appropriated the debate on the impacts of business on human rights, the rights of nature and women's rights.

Amanda began her work part-time in 2011 as the representative for Latin America and the Caribbean, which involved covering issues in the news, reports, key developments, advances and setbacks in the field of business and human rights. Her position changed in 2013 when Júlia Neiva joined CIEDH as the representative for Brazil and Portuguese-speaking countries in other parts of the world. They had been working together for seven years when Júlia decided to return to Conectas Human Rights. Amanda continues to work as Senior Researcher and Regional Representative for South America to this day.

Coming from different backgrounds, our paths converged at the CIEDH. Amanda had more than four decades of experience as a human rights activist and educator in Colombia and the Latin American region. Julia was a lawyer and Afro-Brazilian human rights activist involved in the process of social change that many people in her country had been building under governments of the left.

This encounter and our shared experiences are the basis for the reflections presented in this article. Here, we explore the significance of the practices that a NGO like CIEDH employs in its ongoing relationships with individuals, groups and activists from social, women, human and environmental rights organisations, indigenous peoples and Afro-descendants (and quilombola) communities, among other civil society groups, for Latin America and the Caribbean.

2 • Business on the human rights agenda

The issue of business did not seem to be on the agenda of human rights organisations; interest in the impacts on and violations of human rights by companies was already being developed in the mid-1970s via the Russell Tribunals,[1] later called the Peoples' Tribunals. The Russell Tribunal II addressed this issue in three different sessions: the first was held in Rome, from March 30 to April 5, 1974; the second, in Brussels, from January 11 to 18, 1975, and the third, again in Rome, from January 10 to 17, 1975. They obtained press coverage from several European media outlets. Based on human rights discourse, its approach was to analyse political violence in Latin America from critical perspectives of the fields of political science, law and international relations:

> *In view of this violence, the Russell Tribunal II investigated the institutional forms common to the different countries, the doctrine*

> *underlying these institutional forms, the type of state that it gave rise to, its origins and root causes and its relationship with the dynamics of the economy and the international scene. But this important effort to investigate and understand the situation was not carried out in the Olympus of the academic world or grand cultural institutions – though it was the result of the joint efforts of many distinguished scholars and Nobel prize winners from various disciplines – but rather by collecting the cry of pain of the victims and all those who fought against this violence and feeding off it.*[2]

In other words, it addressed the issue of companies' impacts on people and communities from a political perspective and linked them to the interference of transnational corporations in the so-called "Third World" countries in particular. For example, the Russell Tribunal II report identified how the violations of the "rights of man" were connected to the presence of multinational corporations, primarily those from the United States.[3] By doing so, it laid the foundations for the debate on aspects that continue to be discussed all over the region today: the establishment of companies interested in natural resources led to environmental degradation, the exploitation of labour, tax breaks granted by host governments and extremely negative impacts on indigenous peoples and the consequent rights violations. The corporations did all this while taking advantage of the political repression typical of military dictatorships and the measures of social control, such as the nearly permanent state of siege (as in the case of Colombia) that prevailed at that time.

It was in this context that Amanda began her work on human rights in 1976, which coincided with the promulgation of the Algiers Charter or the Universal Declaration of the Rights of Peoples by intellectuals with ties to the Permanent Peoples' Tribunal. It was also in that same year that the two International Covenants on Human Rights came into force worldwide, which, for the first time, allowed for unprecedented activism, especially vis-à-vis the Human Rights Committee. This committee was established to monitor compliance with the International Covenant on Civil and Political Rights. In the case of Latin America, this was combined with the possibility of accession to the American Convention on Human Rights, which came into effect in 1978.[4]

However, in the 1980s and 1990s, the focus remained on violations of civil and political rights. Due to the imposition of austerity measures, including privatisation and other policies to downsize the state, and "free trade agreements", the issue of the serious impacts of business in our regions would only be taken up again in the following decade. It was in this context that the Business & Human Rights Resource Centre (Centro de Información sobre Empresas y Derechos Humanos or CIEDH in Spanish) emerged in 2002. In the words of its founder, Chris Avery, CIEDH was to be built on the model of Amnesty International, where he had worked. This meant that to remain independent and have the freedom to criticise the actions of corporations around the world, CIEDH does not accept funding from companies, business foundations or CEOs.[5]

But the history and the significance of the situation in Latin America had not yet earned a prominent place in CIEDH's work, nor in how the issue was addressed at the United Nations. After the regrettably unsuccessful process within the then UN Sub-Commission on Human Rights to promote a document (2002-2003), CIEDH began publishing information on situations occurring in Latin America on its website. In 2006, with the inclusion of Mauricio Lazala from Colombia in the team, the region's visibility on CIEDH's website and its presence in the organisation's work and methodologies began to increase.

Amanda joined CIEDH at a time when the UN was discussing the false dilemma of how to get states to approve standards on the negative impacts of business on human rights without them or the companies, particularly those from the Global North, rejecting them immediately. Her arrival coincided with the approval, a few months later, in 2011, of the UN Guiding Principles on Business and Human Rights. Then, in 2013, when the Government of Colombia was organising the first Latin American and Caribbean Forum, Júlia joined CIEDH.

Over the years, our friendship grew and was consolidated thanks to the convergence of our work to defend the communities of African descent, indigenous peoples and the rural and union groups affected by corporations in the countries that we covered. We organised meetings and created opportunities for mutual support. We also realised that we would have to face very complex challenges in our work, as we explain below.

3 • The dialogue with business: not just daily challenges, but ethical dilemmas

One of the first challenges that we came across was the need to engage with companies. As the Quakers taught Amanda, one must speak truth to power. But often, it is risky to do so, especially when we encounter people who work for the companies and see the civil society organisations that criticise them as their enemies. Some believe that the people working in the field of human rights have a hidden agenda and want to put an end to the places where it is convenient for the companies to operate in, with our governments' consent.

We receive complaints from victims of business operations every day. Unfortunately, our countries are the champions of attacks and murders of human rights defenders.[6] Work that seemed simple, even routine, has become increasingly heart-breaking, full of bad news and announcements of tragedies that could have been avoided, such as the ones in Brazil involving the iron and coal mining corporation, Vale.[7] These tragedies costs hundreds of lives and caused damage to the environment in dozens of riverside communities, as well as despair due to the failure or delay in bringing those responsible to justice. And, because of this, the communities wanted answers that we could not or cannot give through our work at CIEDH. What else can we do besides draw the world's attention to the multiple events that we uncover every day at work? How can we stop the horror of losing everything

due to the irresponsibility of corporate mega-projects from happening again, with the states' complicity? Can the *modus operandi* of corporations be changed in capitalism or is this *modus operandi* part of its very essence? How do we react to the model of predatory extractivism? Is it a new kind of coloniality that, in a not so subtle way, continues using racism as a mechanism of oppression and inequality?

4 • Companies' criticism of our work

The discourses that describe the private sector as an agent of progress, known for its efficiency because it provides quality jobs that allow people to earn better wages create for us an ethical dilemma linked to the very foundations of capitalism. Is it not, perhaps, the model itself that generates these consequences? When Latin American companies began losing revenues due to the world oil and fossil fuel energy crisis, in general, the decline in their profits was immediately compensated by what was said to be their greatest contribution: hundreds of thousands of workers were fired and left to their fate, ill and with no prospects of earning decent wages.

So, how do we dialogue with companies when they contradict themselves in every step they take? How do we make them realise that human rights are not something that they can choose to respect or not, but rather a moral and legal imperative? We experience a lot of frustration in our daily work. Things must change. It is necessary that, beyond the declarations of good intentions, the principles of discretionary voluntariness and the nicely printed, colourful reports to stop destroying the environment – especially in our countries, Brazil and Colombia, the two most biodiverse countries on the planet –, questions on impunity, complicity and accountability can be raised. What will be left for us in the end? What volcano will be set off in our region because of this debacle? We are confronted with these and many other unanswered questions on a daily basis.

Meanwhile, despite the difficulties, like trade unions, we remain open to talking to companies to try to bring about behaviour changes in their daily practices. However, corporations are complex structures that depend on several layers of hierarchy, which often do not communicate well with one another. Parent companies tend to be more open to dialogue than the offices in our region, given that here, high-level positions are occupied by those who also wield political and economic power and often switch back and forth between public office and the private sector. Occasionally, we find young, women professionals who clearly understand the human rights obligations of business, but they themselves have to deal with decisions that come from higher up in the company hierarchy. Therefore, one good lesson learned is that changes must come from management levels and even more so from investors[8] (recognising that they are legally and morally responsible for the impacts, violations and abuses involved in their investments, but how do we hold them liable?), as experience in Brazil shows in the cases of Doce River[9] and Brumadinho[10] and the issue of protecting the Amazon.[11] We have noted several times that we are dealing with people who appear to have good intentions (at least, in public they do) and believe that they will change their companies from within, but

we know that this is not really possible. We often wonder whether they are very naïve or conformist. It seems that the departments that handle human rights issues, which frequently adopt the nomenclature of sustainability (either to avoid having to talk about rights and human rights obligations or because the terms are more palatable), often exist mainly to keep up the appearance that companies care about their obligations in this area, while in fact, they do not. They often engage in corporate capture, adopting human rights terminology, but without making any effective changes to their operations.

5 • Criticisms of our work from victims' organisations and other NGOs

The news, testimonies, expert studies, decisions of international bodies and human rights institutions and court rulings all confirm the need to change the conditions that generate an asymmetry of power between companies and the communities. Individuals and the organisations of the victims feel perplexed because they expect us to do more and do not always understand our reasons for talking to the companies that caused them harm. Of course, many people and communities coexist with the companies because their operations are located in their territories. Moreover, the communities see a series of people parading through their territories, from professionals in psychology, anthropology and social work to engineers, architects and civil servants representing the state, but who sometimes make it look more like they are representing the companies.

In response, we try to connect people with organisations, law firms, government bodies, national institutions and international human rights networks that can help them, as CIEDH does not offer legal defence, nor does it lobby states directly. It limits itself work to the equally important task of documenting cases, contacting companies and giving international visibility to the situations affecting communities, trade unions and individuals. Conectas has also represented groups of affected persons in cases before the Brazilian Supreme Court, in the international system for the protection of human rights or in the use of complaint mechanisms such as the National Focal Point of the Organisation for Economic Co-operation and Development (OECD). These strategies are complementary to one another.

It has also been hard for us to accept criticism of our work from non-governmental organisations. You do not expect criticism to come from your peers, but it does. For example, for many organisations that provide legal defence, there is no valid reason, from any point of view, to talk to the companies about the complaints filed against them; that is what the courts are for. For them, that is where it is appropriate to use legal tools to prove the existence of the harm and seek redress, not in an exchange of letters. And they are right, of course, and their position is totally legitimate. However, in the actions taken to mitigate, prevent and seek redress, the type of dialogue that we aim to build with companies can be very useful for raising awareness within business institutions about the seriousness of the events that result in human rights violations. Thus, many have accused

us – including in public – of being pro-business. However, we know that this is not true; we work in favour of the victims, the affected communities, based on our convictions as human rights defenders. CIEDH's decision to publish the companies' responses without editing them has contributed in many ways to maintaining a certain space for civil society. It reminds the private sector that the accusations of affected people exist and will continue to exist because reality changes and many impacts that were not foreseen at the beginning of an economic project emerge over the years, often with disastrous consequences. It also creates an opportunity to internationally expose the violations that occur in the territories on a website that is important to the victims and affected people and that companies, governments and international organisations respect. It may also help the victims obtain redress and justice and help hold companies accountable.

6 • The potential of work on business and human rights

In the discussion on regulatory frameworks and the need to go beyond economics and law, we believe that in the fight to restore the rights affected by third parties such as companies, "undisciplined" perspectives are valid – that is, ones that are not limited by the narrow frameworks of one given discipline and that use approaches, methods and contributions from several fields of knowledge instead. We can therefore appreciate social sciences' important contributions and their – not always simple – dialogue with legal sciences.

For instance, many communities have benefited from academic research conducted in the field of anthropology that, combined with history, use ethnographic methodologies to collect local memories of experiences or that use agronomy and agroecology, which is closely tied to geography and geology, to interpret the loss of access to water or to the ancestral lands of peasants, indigenous peoples and rural communities of African descent. They have also benefited from Latin American feminist approaches that have used associative strategies and methodologies to organise women and create space for them to ensure that their voices are incorporated into the analysis of companies' impacts. It is important to recognise, though, that these spaces reproduce the asymmetries of power and racism that structure our societies. And, finally, communities benefit from the contemporary epistemic dialogues in our region that critique trade union models in order to conceive other possible scenarios for struggle – ones that assume non-discrimination on any ground (ethnic origin/race, sexual orientation, disability or gender) as a principle and that propose revisiting economics-based approaches that still defend proposals of Eurocentric Marxism, which does not correspond to the way that resistance to capital is built in our region.

7 • Conclusion

Our work calls on us to learn from the new narratives of counter-hegemonic discourses that are needed to guarantee the survival of the sectors that are most vulnerable to the current business model. The lessons learned from our experience indicate that linking

the struggles of the human rights movements with those of the environmental, trade union and social movements is crucial. We must do so while asking ourselves (as Hall did, back in his day, in relation to identity):[12] Who needs extractivism? Who needs energy (including the so-called "renewable" energies)? Our standard of analysis should be the profound changes in culture, traditional livelihoods, geographies and the ways people relate to nature, which, in the midst of the pandemic, has led us to reflect much more on the present and future of our planet.

Finally, regardless of the institution through which we carry out our activism, we believe there is a need to rethink the role of the work on business and human rights – or better said, human rights and business. First, as a theoretical framework, human rights remains a discourse of modernity, which has been gradually changing thanks to certain struggles of the last century, such as the women's struggle, the fight against racism and coloniality, and has been adapted to our peoples' needs. Yet, precisely because of its genealogy, it lacks explicit mechanisms at both the national and international level to sanction fundamental rights violations committed by companies or human rights violations committed by individuals from companies working in collaboration with the military, the police or civil servants. As women human rights activists and scholars, we believe that this ambivalent connection between business and human rights contains many contradictions due to the "broken promises of modernity", as Santos would say,[13] since we are neither equal nor fraternal nor free – just as the "free market" is not free either. Capital's interest in increasing profits at all cost and maintaining its privileges clashes with the needs and the deprivations of millions of people that the model generates.

Therefore, establishing a binding instrument, such as a UN treaty, would be a big step. Yet, even if we were to take up again the beginning of the discussion of the opinion tribunals, such as the Russell Tribunal sessions, there would still be much to develop in the area of private international law to make companies respect human rights. On the road ahead, one can see an epistemic dispute about the crisis of civilization that many Latin American experts are talking about, in which capitalism – even though it is faltering – still continues to devastate entire communities and there is no political will on the part of the state to stop it. Perhaps one small but sustained effort we could make would be to take firm action to name, shame, challenge and confront the companies while using the means that civil society itself builds for resistance.

NOTES

1 • They were named the Russell Tribunals in honour of the life of British philosopher Bertrand Russell (1872-1970), winner of the Nobel Prize in Literature (1950). Several sessions were held: the first, which addressed war crimes in Vietnam, was known as the "International War Crimes Tribunal", the "Sartre-Russell Tribunal" or the "Stockholm Tribunal". Russell organised it together with Jean-Paul Sartre, Lelio Basso, Ken Coates, Ralph Schoenman and Julio Cortázar, among others. The second tribunal specifically addressed the negative impacts of multinational corporations in Latin America.

2 • Authors' translation. "As Multinacionais na América Latina - Tribunal Russell II," Ministerio de Justicia de Brasil, 2014, accessed July 22, 2020, https://www.justica.gov.br/central-de-conteudo/anistia/anexos/as-multinacionais-na-al-miolo-final.pdf.

3 • See paragraphs 5 to 7 of the Tribunal's sentence on the contamination of nature and the rights of indigenous peoples. In "Tribunal Russell II," Paris at night, April 15, 2008, accessed July 22, 2020, https://esperanzando-mano.blogspot.com/2008/04/tribunal-russell-ii.html.

4 • Colombia only ratified and accepted the jurisdiction of the Inter-American Commission and Court in 1980, whereas several countries signed with reservations. Brazil ratified it years after Colombia, in 1992 only. "American Convention on Human Rights "Pact of San Jose, Costa Rica" (B-32)," Organization of American States, [n.d.], accessed July 22, 2020, http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm.

5 • For more on our understanding of independence, see "Our approach" in "About us," Business & Human Rights Resource Centre, [n.d.], accessed July 22, 2020, https://www.business-humanrights.org/en/about-us/about-us.

6 • See, for example, the report of the UN Special Rapporteur on the situation of human rights defenders: "Global: Relator sobre Personas Defensoras de Derechos Humanos (2014-2020) Publica Compendio de Informes," Business & Human Rights Resource Centre, 2020, accessed July 22, 2020, https://www.business-humanrights.org/es/global-relator-sobre-personas-defensoras-de-derechos-humanos-2014-2020-publica-compendio-de-informes; and on the situation in Colombia: "Latinoamérica: Análisis sobre Seis de los Países del Mundo Más Letales para Defensores Ambientales en 2018, Incluyendo Mujeres Colombianas," Business & Human Rights Resource Centre, October 29, 2019, accessed July 22, 2020, https://www.business-humanrights.org/es/latinoam%C3%A9rica-an%C3%A1lisis-sobre-seis-de-los-pa%C3%ADses-del-mundo-m%C3%A1s-letales-para-defensores-ambientales-en-2018-incluyendo-mujeres-colombianas. For information on the situation in Brazil, see "Deadliest Year on Record for Land & Environmental Defenders: New Global Witness Report Says 207 Activists Killed in 2017," Business & Human Rights Resource Centre, 2018, accessed July 22, 2020, https://www.business-humanrights.org/en/deadliest-year-on-record-for-land-environmental-defenders-new-global-witness-report-says-207-activists-killed-in-2017; and "América Latina: Informe Señala que Sigue Siendo La Región Más Riesgosa para Personas Defensoras del Medio Ambiente," Business & Human Rights Resource Centre, 2019, accessed July 22, 2020, https://www.business-humanrights.org/es/am%C3%A9rica-latina-informe-se%C3%B1ala-que-sigue-siendo-la-regi%C3%B3n-m%C3%A1s-riesgosa-para-personas-defensoras-del-medio-ambiente.

7 • The environmental disasters that Vale is responsible for left hundreds of victims. For more on Brumadinho, see: "La Tragedia por El Colapso de Una Presa en Brasil Cumple un Mes y Deja 179 Muertos," Business & Human Rights Resource Centre, 2019, accessed July 22, 2020,

https://www.business-humanrights.org/es/brasil-tragedia-por-ruptura-de-dique-de-relaves-de-vale-deja-decenas-de-muertos-y-cientos-de-desaparecidos#c184308; and on Doce River, which involves BHP because the dam belonged to Samarco, a joint venture between Vale and BHP: "BHP Billiton & Vale Lawsuit (Re Dam collapse in Brazil)," Business & Human Rights Resource Centre, [n.d.], accessed July 22, 2020, https://www.business-humanrights.org/en/bhp-billiton-vale-lawsuit-re-dam-collapse-in-brazil. Many years later, their actions have not lived up to the expectations of the victims, nor restored their rights. See: "Series: Brumadinho, One year after Brazil's worst social and environmental disaster," Conectas Human Rights, January 25, 2020, accessed July 22, 2020, https://www.conectas.org/en/news/series-brumadinho-one-year-after-brazils-worst-social-and-environmental-disaster; and "The Situation of the affected people, four years after the Doce River tragedy," Conectas Human Rights, November 5, 2019, accessed July 22, 2020, https://www.conectas.org/en/news/the-situation-of-the-affected-people-four-years-after-the-doce-river-tragedy. This is why the case was brought to court in England: "Reino Unido: Tribunal Julgará Processo Contra a Mineradora BHP por Colapso de Barragem em Mariana," Business & Human Rights Resource Centre, July 16, 2020, accessed July 22, 2020, https://www.business-humanrights.org/pt/reino-unido-tribunal-julgar%C3%A1-processo-contra-a-mineradora-bhp-por-colapso-de-barragem-em-mariana.

8 • See Maurício Angelo, "Investidores que Controlam R$76 Trilhões Cobram a Vale e Outras Mineradoras a Garantir a Segurança de Barragens." Observatório da Mineração, May 7, 2020, accessed July 22, 2020, https://observatoriodamineracao.com.br/investidores-que-controlam-r-76-trilhoes-cobram-a-vale-e-outras-mineradoras-a-garantir-a-seguranca-de-barragens/; and Isis Almeida y Sabrina Valle, "Church of England Vende Ações da Vale por 'Questão Ética'." UOL, September 24, 2019, accessed July 22, 2020, https://economia.uol.com.br/noticias/bloomberg/2019/09/24/church-of-england-vende-acoes-da-vale-por-questao-etica.htm.

9 • See "Brasil: Atingidos Vão a Londres Buscar Justiça Três Anos Após o Desastre no Rio Doce," Business & Human Rights Resource Centre, [n.d.], accessed July 22, 2020, https://www.business-humanrights.org/pt/brasil-atingidos-v%C3%A3o-a-londres-buscar-justi%C3%A7a-tr%C3%AAs-anos-ap%C3%B3s-o-desastre-no-rio-doce.

10 • See "In England, victims of Mariana and Brumadinho denounce violations to investors," Conectas Human Rights, December 4, 2019, accessed July 22, 2020, https://www.conectas.org/en/news/in-england-victims-of-mariana-and-brumadinho-denounce-violations-to-investors.

11 • See Fábio Pupo, "Pressão de Investidores Contra Desmatamento Gera Alerta na Equipe Econômica." Folha de S.Paulo, June 23, 2020, accessed July 22, 2020, https://www1.folha.uol.com.br/mercado/2020/06/investidores-pressionam-brasil-para-proteger-amazonia-e-geram-alerta-na-equipe-economica.shtml.

12 • Stuart Hall, "Etnicidad: Identidad y Diferencia," in *Sin Garantías. Trayectorias y Problemáticas en Estudios Culturales*, 2nd edition, eds. Eduardo Restrepo, Catherine Walsh and Víctor Vich (Popayán: Universidad del Cauca, Envión, 2014).

13 • Boaventura de Sousa Santos, "La Transición Posmoderna, Derecho y Política," *Doxa* no. 6 (1989): 225, accessed July 22, 2020, http://www.boaventuradesousasantos.pt/media/pdfs/Transicion_Postmoderna_Doxa6.PDF.

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EXPERIENCES

PROTECTION, SELF-CARE AND THE SAFETY OF HUMAN RIGHTS DEFENDERS

Simone Cruz and Jelena Dordevic

- *A perspective of feminists and black women* -

ABSTRACT

Threats against feminists, LGBTQI+ people and black women in their diversity are becoming increasingly evident. This violence exposes civil society´s lack of preparedness to handle the considerable risks to human rights work, in the current political scenario. Therefore, it has become very important to act quickly, to guarantee the day to day safety of women defenders, but also to support sustainability and protection in the long term. The analysis presented in this article was produced based on the testimonials of nine women who are feminists and human rights defenders. This article is an appeal for the need to deepen reflection on developing protection mechanisms to respond to the way in which gender and race inequality operate in preventing women from claiming their human rights, from living free of violence and participating fully in democratic processes.

KEYWORDS
Activism | Self-care | Safety | Gender | Race

1 • Introduction

Since the victory of the candidate of the extreme right in the last Brazilian presidential elections, attacks on the human rights agenda have been numerous. This has had a direct impact on civil society organisations and movements in that there has been an increase in hostility towards activism and activists. Threats against feminists, LGBTQI+ people and black women in their diversity have been increasingly evident. Rural workers, community leaders, social movements, indigenous people, *quilombolas*, legal aid lawyers and organisations that support the process of redistribution of land continue to be extremely vulnerable.

Following the assassinations of the local politician Marielle Franco and her driver, Anderson Gomes in March 2018, safety and protection have become areas of concern for the majority of human rights organisations and social movements in Brazil. The impunity that transpired in this act of political violence exposed the lack of preparedness of civil society in handling the current political scenario and the considerable risks to human rights work.[1] Since then, it has been very important not just to observe and act quickly in guaranteeing the day to day safety of female defenders, but also to support sustainability and protection in the long term.

The analysis presented throughout this article was produced on the basis of the testimonials of nine women who are feminists and human rights defenders, collected from the results of consultancy work carried out by the authors at the non-governmental organisations (NGOs) Themis – Gênero e Justiça, in Rio Grande do Sul, and Criola, the headquarters of which are in Rio de Janeiro. Our principal concern was to look at the vulnerabilities to which women defenders are exposed in the context of the fight for human rights.

2 • Self-care and safety: concepts under debate

2.1 - Self-care

Although feminist movements have been making efforts for some years to make care and self-care part of the culture of social movements, there is no specific definition of these concepts from the point of view of activists. However, based on work that has been done in this field, we can confirm that they are being constructed and that the reasons why we are speaking about self-care in the context of social movements are also being looked into. On this basis, we have identified feminist activists´ different perceptions about self-care which we will investigate here from two dimensions: internal and individual and external and collective, in the knowledge that these are directly correlated.

From the point of view of the internal and individual dimension, the concept of self-care, in the view of the activists interviewed, is experienced with contradictions. This is because, when they perceive a need to care for themselves, they have to deal with the sense of guilt

arising by their inability to respond to considerable external demands. As one of the activists said: "It is important to stop, hear yourself, listen to yourself, feel and pay attention when you are faced with something you never imagined you would go through and it is as though you cannot stop because everything depends on you."

The above comment is similar to that of other women and the concept of individual self-care is identifiable as also being directly related to freedom. Also, when self-care is experienced as something collective, as in the *terreiros* (religious setting), this is related to spiritual care received in that particular space, as one activist who was interviewed mentions:

> *In the terreiro we have that thing of nurturing, receiving and caring. It really is [a place] for listening to each other, the terreiro nurtures, the terreiro listens, the terreiro gives guidance, the terreiro sets you straight. So, we are used to living like this, it´s our way [...] So this thing of caring, of self-care, of caring for each other, is from the terreiro.*

Meanwhile, the experience of self-care in the external and collective dimension is pooled from testimonials that bring to mind the idea of self-preservation related to external factors brought on by something threatening that is beyond individual control. As well as life-threatening, the practice of racism at all levels is considered to be a threat that is perpetrated by the State. This type of threat has been increasing and leading to different types of deaths: psychological; political and physical. Activists, principally black women, perceive and experience their options as limited when their lives are at risk. They are restricted to either facing the local threat or leaving and moving away from activism which means losing contact with other defenders.

2.1.1 - Self-care from the perspective of black women

When we focus on race relations, black activists present an idea of care and self-care that goes beyond the personal dimension: care in the relationships between activists as indispensable; reflection about the way this relationship is constructed and maintained and also the need to have a structured life, in other words, a guarantee of physical and emotional stability (or safety).

According to black activists, it only makes sense to think about self-care in relation to activism. Particularly when they acknowledge where they are and what they are doing. It is as though they perceive and care for each other from a point of view of ´being´ in the struggle and facing important issues that are often not given priority. For this reason, in their comments they draw attention to the need for us to look at individual violence, racism and violence that happens within activism itself.

Furthermore, the structural issues indicated in the testimonials emphasise the need for

radical decolonisation of the body. And in this sense, self-care is an important strategy of activism in that it tackles the reasoning of the system by directing attention to processes in relationships with others.

We must bear in mind that for activists ´affecting´ always pertains to relationships. So that, when we are reflecting on decolonisation we must take into consideration that, in indigenous communities, for example, the dimension of care is related to care of other individuals in the community – as well as of animals and plants.

For black women, the concept of self-care and care among activists is approached in an integral way. In a reflection of feminism, in a patriarchal society like ours, women are not constituted as autonomous beings, but rather as existing in relation to others. Women exist, therefore, to take care of men, children and the home. This situation is made worse by racism, because the condition of women existing to care for others, generates greater humiliation and subjection when it is racialised.

Despite many years´ experience in activism, many of the women interviewed, often expressed the impossibility of ´being´, as though they could not think of themselves, because they had to think of others. In this situation the formation of connections is very important for survival and to carry on the fight. The testimonials showed that the connections black women have with other black women are different from those they can make with white women and these connections are fundamental in facing a number of issues. When there is a recognition of equality, the fight is seen to have more possibilities. For this reason, a space of self-care must be established in the same way that ideas of resistance are established, like the case of the Black is Beautiful movement.[2]

Thus, self-care is understood as a space for affirming one´s existence, that is not related to the individualism of market capitalism, based on competition and the absence of social relations. In this case, self-care is seen in both autonomy and in relationships with other beings. Autonomy is also formed in reciprocity and in solidarity.

For another activist interviewed, there is a need to radicalise the discussion and seek collective safety at the heart of the feminist movement. The effects of the process of the aforementioned colonisation of the body need to be investigated, given the high level of violence. This violence means, for example, that a black woman, even when dressed in white in a hospital, is not recognised as a doctor because of her colour. Worse still, it is often the case that the person inflicting violence on someone else is also subject to the same kind of violent situations, as they are black too.

On the question of violence between activists we identified a ´romantic´ view of the feminist movement as being a space for meetings and discovering identity. However, it is noted that the violence seen in society is reproduced in these spaces. In fact, a way of strengthening relationships of trust, both personal and as a movement must constantly be sought, through

the recognition of the women´s different ways of participating. How can other women be seen as being neither enemies nor competitors? These forms of violence must be acknowledged, in particular the damage that racism and sexism have caused us. And from this starting point the construction of collective strategies to fight these patterns in activism are needed, taking into account the human dimension, even when there is a tendency to see feminist activists as either heroines or villains who only do what they do for power.

2.2 - Safety

Safety, as a right, is unattainable for many people. The deterioration of the fabric of society caused by the advance of the neoliberal economic model, a legacy of impunity and a safety model based on police interventions, justified on the pretext of combatting drug trafficking, has served solely to oppress and control the population:

> *Safety is when you have the freedom to express your faith. Safety is when you can come and go without being made to feel uncomfortable by a police officer or a person in a shop, this is safety. Safety has never been exercised in our favour or to serve us. Safety is having a collective that will shout and miss you if something happens to you. So, I have to search around a little to think about what safety actually is.* (Activist interviewed)

The context in which this analysis emerges is the increase in violence against women human rights defenders, particularly black women in urban and rural areas, as well as those who identify as lesbians, bisexual and transgender women and who work in different areas of human rights: sexual and reproductive rights; political participation; economic empowerment; land and territorial rights; women´s rights; LGBTQI+ rights; the democratisation of communication and in the fight against the militarisation of the favelas and peripheries.

An understanding of the types of protection, care and safety these women human rights defenders need, stems, in the first instance, from pinpointing how women activists perceive safety. Which factors contribute to increased risks that can lead to direct attacks on them?

One of the factors that influences the experience of threats, risks and violence against defenders is gender. Women human rights defenders, along with anyone who does not conform with traditionally prescribed gender roles, are exposed to specific risks that must be considered in developing more suitable protection measures. Human rights defenders run great risks as they challenge the structures of oppression that contribute and feed into gender inequality, of which they are frequent targets. The system, that requires the subjugation of women, is maintained through a number of forms of violence against them: intimidation; threats; death threats; physical violence; online violence; defamation; sexual assault; disappearances; murder; attacks on their families and children; restrictions on their movement; sexual aggression and rape; homophobic, lesbophobic and transphobic attacks, silencing, isolation and censure.

However, we can affirm that the category of gender is not sufficient in discussions on the protection of women defenders. As racism is structural and is used to defend economic and political interests, as well as to justify the persecution of activists, a more complex analysis is needed to examine the inter-relatedness of oppressions that black women face. One of the activists interviewed, who identified herself as a black lesbian, said:

> *I think the risks we suffer, black women suffer most because racism .... is clear now. People are publicly admitting that they are actually racist. This means the following – we are more vulnerable and the risk we run is that everyone is arguing over our bodies [...] everyone is arguing about us, but everyone wants to dominate us, nobody wants to free us, everyone wants to speak for us [...] So we are under threat and we are the most vulnerable sector of all those who are vulnerable. It´s going to fall to us, but we don´t know what to do about it [...].*

What are the dynamics that underpin violence against women human rights defenders from a perspective of race and gender? This was one of the questions at the national meeting of activists and organisations of women´s human rights defenders convened and organised by Themis and Criola in June 2019, with the collaboration and participation of the authors of this article. At the national meeting we also sought to identify whether there is a difference between protection and safety and finally what the current imminent risks and threats faced by feminist organisations and black women´s organisations are.

This meeting instigated a discussion on the creation of a network of Women Human Rights Defenders. In November of the same year, several of the participating organisations, met and formed a Network of Women Human Rights Defenders with the objective of establishing a benchmark protection, defence and safety network with a view to strengthening women defenders in order to preserve their lives and the lives of other women.

2.2.1 - Why do we need to talk about safety? What does this have to do with our political organisation?

As women defenders have achieved success in their political projects, some conservative sectors have been systematically organising, in order to suppress this part of civil society. Arbitrary imprisonment, murder, sexual violence against women defenders and defamation are just some of the strategies used by the State and by non-state players to restrict and limit the influence of the women who are at the forefront of social transformation.

In response, recognising the impact of oppression and systemic violence on their subjectivity and also on their ways of organising, these women defenders started to develop safety and protection strategies. Resilience, safety, well-being and sustaining their lives and the political fight are at the essence, in different places and under different names.

In 2006, the Kindred Healing Justice Collective, a network of women organisers and practicing healers in the area of health, from the south-east of the United States, started to use the term ´healing justice´ as a concept to identify how we can holistically respond and intervene regarding trauma and generational violence. They presented individual and collective practices that can collectively transform the oppression of our bodies and lives. Based on the stories of the black organisers from the south, indigenous women, women of colour, LGBTQI+ people and allies, that connected the reality of generational trauma to the continued stories of slavery, genocide and the deprivation of economic rights based on a slave labour economy and on colonisation, ´healing justice´ elevated the resilience and survival practices that are at the core of collective, emotional, psychological and spiritual safety and the environmental and mental well-being of the communities.[3]

At almost exactly the same time, in circles close to the Urgent Action Fund for Women´s Human Rights in 2007, activists started to look at self-care and the sustainability and integral safety of activism and activists. In the following years, the organisers started to speak about holistic safety, which led to the recognition that psychological/psychosocial well-being and physical and online safety were fundamental components of strong movements and organisations.

3 • Self-care as a political strategy of the feminist and black women´s movement

According to Ana María Hernández Cárdenas and Nallely Guadalupe Tello Méndez,[4] self-care not only ensures the sustainability of the social movements, but is also a politically ethical stance that involves the analysis of working practices and of relationships at the personal and collective levels.

In 2009, the Fund for Urgent Action for Latin America and the Caribbean (FAU-ALC) was set up, with headquarters in Bogotá, Colombia. It originated from the Fund of the same name in the United States. FAU seeks to strengthen activists and the social movements in which they partake. Through fast response to the injustices and inequalities experienced by women defenders facing risk situations, the Fund places full protection and care at the centre of its work as an organisational culture. To this end, FAU created a specific programme on sustainable activism,[5] following the publication of the book "What´s the Point of Revolution if We Can´t Dance?"[6] This programme promotes space for reflection and strengthens abilities and potentials through training sessions, thus seeking to build a culture of prevention to transform the practices of activists in conditions of well-being and physical and emotional health. In this sense, FAU considers the concepts of self and collective care to be inseparable, and treats them as the body-territory, in other words physical and virtual body as indivisible parts of this care.

In Brazil, in January 2014, the Feminist Collective for Self-Care and Care among Activists was created by seven women who are feminists and activists. In a meeting that lasted three

days, at the home of one of the activists in Cabo Frio, in Rio de Janeiro, they talked about themselves and about their experiences and feelings in activism. The objective was to open up a space for exchange and reflection on activism and self-care practices as well as care of each other (reciprocity of care), in feminist organisation and social mobilisation.

The idea of creating a collective with this objective arose following the critical situation experienced in the same year, by a feminist, the organiser of the Slutwalk. After the event, she was exposed to a series of misogynist and fundamentalist threats, that were investigated by the police. She experienced a situation of high vulnerability that affected her physical and mental health. The Collective was thought up with the intention of deepening reflection on what was happening with each one of the activists, their bodies, hearts and minds, as one of the members, Rogéria Peixinho, reflects:

> *When we look at ´our world´ we notice that many of us, after years living and working as activists, are feeling exhausted, disillusioned and disconnected, with no idea of the meaning of all of this, in other words we are tired! Some of us have already decided to leave the spaces where we have been working, others are ill, some have said "I don´t have any more to give. I need to look after myself so I can carry on our feminist and antiracist struggle," and others have not found ways to fortify themselves. The stories that we have heard from many of the activists/feminists with whom we share organisational spaces and articulation of the movement, put us in check. These are issues that have been making us feel uncomfortable, discomforted and have caused a number of activists of the women´s movement and feminists to make changes, both from a personal point of view and from the point of view of militancy!*[7]

The psychologist Maria Lucia da Silva,[8] from the AMMA Psyche and Negritude Institute, reflected on the themes of self-care and safety, stating that they are directly related to each other and involve thoughts and actions related to healing. In this context, the activist talked about the subject mentioning how racism should be faced by the feminist movement from a perspective of care and safety:

> *As we are talking about a diverse movement, in order for the matter of the care and safety of activists to become effective we need to understand that racism is not just a matter for black and indigenous women and that confronting racism means giving up the privileges that are preserved by racism. This is the only way we can really work as a collective.*

In the same vein as Anna Haddad´s[9] statement on growing interest in the matter of self-care, related to the political crisis in the country, the journalist, Helena Bertho wrote an

article in which she recounts her conversations with activists who have been working on the theme with a view to understanding why the word ´self-care´ has become so urgent among black feminist women activists in the country.[10] She noted that the activists´ demand for self-care is a criteria in continuing the struggle, in the current political scenario which is becoming less tolerant and increasingly extremist.

When the matter of care and self-care is related to health we see that this is not a new topic in the feminist and black women´s movement. Commitment to life, because of the damage caused by slavery, due to the cultural differences of the diaspora, sexual violence, psychological and physical violence and the loss of children, situations that are still experienced today by black women, has always been a focus of attention of the black women´s movement. The doctor and activist Jurema Werneck[11] highlights black women´s need to talk about health through the lens of self-care:

> *Health in this case is more than a pretext. It is a privileged place to explain who we are. For us, health goes beyond fighting disease and is closer to the concept of general, physical, mental and psychosocial well-being, as defined by the World Health Organisation. Furthermore, we propose a definition of health that includes seeking a dynamic balance of life and its elements, living and dead beings, humans, animals, plants and minerals. And this search translates into individual and collective responsibility. This responsibility can also be read as the power of fulfilment. The terms axé (from Yoruba) and muntu (from Bantu) can mean the same... discussions on disease and imbalance affect us and our capacity to act and transform.*

Speaking about their own voices has been an instrument of care for black women for years. Observation and admiration of themselves is a construct of individual and collective care.

4 • Conclusion

It is important to take into account that the concept of "human rights defender" does not have a universal meaning for women and men. A community leader who fights for the rights of women and suffers persecution is also a "women´s human rights defender."

The distance that separates the threats, and even execution, suffered by people with public profiles from those faced by activists who fight for social change on a daily basis can create a skewed functionality in the way protection programmes for defenders, of both sexes, are conceived and carried out. This can occur when one profile of activist is privileged (a man who is a public figure) and other profiles (woman, black, indigenous, young) and their daily work become invisible.

As a central element of this conclusion, we bring an appeal for the need to deepen our reflection on the development of protection mechanisms that respond to the way in which inequalities of gender and race operate to prevent women from claiming their human rights, living free from violence and participating fully in democratic processes. For this reason, we see the existence of the Network of Women Defenders as the principal strategy to drive actions of protection, safety and self-care for women activists in Brazil, as it is only in these spaces that collective struggles can grow stronger.

Therefore, organisations, foundations, institutions and individuals who support men and women defenders of human rights must make a commitment to the political fights of these segments and consider specific aspects that mark each social context, such as regional and territorial particularities, race and gender ethnicity and access to the public resources of justice and safety.

NOTES

1 • For example, a few months after the assassination of Marielle Franco, the left-wing congressman Jean Wyllys, the political candidate Marcia Tiburi and the lecturer and feminist activist Débora Diniz left the country fearing for their physical safety.

2 • A movement created in the United States in the 1960s and 1970s as a means of subject affirmation at both the personal and political levels with a view to confronting racism.

3 • "Healing Justice: Building Power, Transforming Movements," Astraea, 2019, accessed July 21, 2020, https://s3.amazonaws.com/astraea.production/app/asset/uploads/2019/05/Astraea-Healing-Justice-Report-2019-v7.pdf, 10-11.

4 • Ana María Hernández Cárdenas and Nallely Guadalupe Tello Méndez, "Autocuidado como Estratégia Política," *Revista Sur* no. 26 (dec. 2017), accessed July 21, 2020, https://sur.conectas.org/o-autocuidado-como-estrategia-politica/.

5 • "Sustainable Activism," Urgent Action Fund – Latin America and Caribbean, 2020, accessed July 21, 2020, https://fondoaccionurgente.org.co/pt/que-fazemos/ativismo-sustentavel/.

6 • Jane Barry and Jelena Djordjevic, *What´s the Point of Revolution if We Can´t Dance?* (United States: Urgent Action Fund for Women´s Human Rights, 2007).

7 • Internal documents. Feminist Collective for Self-Care and Care of Activists (2014).

8 • At the event Women in Movement Dialogue: Rights and New Directions, in the city of Rio de Janeiro, in 2017 held by the *Elas* social fund.

9 • Helena Bertho, "Autocuidado: A Próxima Fronteira do Feminismo (E Que Deveria Ser Estendida A Todas As Mulheres)." Marie Claire, December 30, 2018, accessed July 21, 2020, https://revistamarieclaire.globo.com/Comportamento/noticia/2018/12/autocuidado-proxima-fronteira-do-feminismo-e-que-deveria-ser-estendida-todas-mulheres.html.

10 • *Ibid*.

11 • Jurema Werneck, Maisa Mendonça and Evelyn C. White, orgs., *O Livro da Saúde das Mulheres Negras: Nossos Passos Vêm de Longe* (Rio de Janeiro: Pallas, Criola, 2000).

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EXPERIENCES

THE MINNESOTA METHOD FOR HUMAN RIGHTS CHANGE

Todd Howland • Shelby Ankrom • Gonxhe Kandri • Paul Olubayo Hannah Shireman • Alli Strong • Amelia Shindelar

• *Putting theories of change into practice* •

ABSTRACT

Creating lasting and effective cultural, behavioral, individual, and societal change entails choices and decisions. Without proper understanding of what generates, inhibits, or disrupts change however we remain ill-equipped to support individuals, organizations, or societies in their developmental process. The Minnesota Method for Human Rights change proposes a series of steps and tools to help human rights practitioners develop focus and strategy. Based on academic and practical knowledge this method will help you better understand the issues and actors in your community of interest; develop strategic plans and continue to adapt those plans as circumstances change.

KEYWORDS
Assessment | Strategic | Evaluation | Applied

1 • Introduction

Creating lasting and effective cultural, behavioral, individual and societal change entails choices and decisions. Without proper understanding of what generates, inhibits or disrupts change, however, we remain ill-equipped to support individuals, organisations or societies in their developmental process. At present, we possess very few tools that can help human rights workers gain the type of multi-dimensional information required to devise a strategy for change which stands a good chance of success. The Minnesota Method for Human Rights Change (MMHRC) begins to fill this gap.

2 • Origins of the method

The academic study of human rights has gained momentum in recent decades. While recent literature exists on *theories* of human rights change, there is limited academic work on the role and work of human rights field work.[1]

While human rights workers may have the appropriate backgrounds and understand the challenging reality of facilitating human rights change, there are few methods or guides that can help them to determine where to focus their efforts to maximise their contribution to positive human rights change. Clearly human rights are interrelated and interdependent, but trying to facilitate change in all areas at once may be ineffective. Facilitating positive change requires the strategic use of limited resources. Human rights workers need to know what change they will invest in and the lay of the land in terms of how difficult or easy facilitating change will be. They must also have a clear analysis of the possible obstacles and allies in facilitating change and a plan on how to facilitate the needed change, which much include measures for evaluating and revising the plan if the change is not achieved or the contribution toward the change sought was not as expected. MMHRC helps the human rights field worker maximise their contribution to human rights change by helping them answer the above questions and develop a focus and strategy.

Facilitating human rights change is an extremely challenging and long process involving many moving parts. Often, when human rights workers come up with an idea or strategy to effect change, a turn of events obliges them to continue to learn and to re-evaluate their strategy. Human rights change can therefore be described as a process of *strategic incrementalism*. When assessing particular situations, they encounter a number of stumbling blocks to progress in most, or even all, areas of their work. Financial constraints, politicians' short term in office and desire to show change in that timeframe and the potential ambivalence of the population towards certain issues render the realisation of human rights aspirations highly challenging.

The goal of MMHRC is to enable human rights workers to use their time as efficiently and effectively as possible. By helping human rights workers to align the priorities of their

potential allies with the strategic priorities that they have identified, MMHRC can be used by any type of organisation wanting to facilitate human rights change.

3 • Theories of change

Societies are complex and creating change within a society is even more complex. Understanding and employing tools that create change is essential. In this article, we briefly discuss power analysis and advocacy networks. These tools for change can be more deeply understood by reading the cited authors.

Understanding who holds power in a community will help human rights workers know how and where to target their efforts. They should conduct a power analysis to map, observe and listen to the existing institutional system in order to identify the spheres where change is already occurring. Once these spheres are identified, we can invest our efforts in encouraging and nurturing change. Given that the change we seek is complex and will therefore undergo a non-linear evolution, a multifaceted strategy is called for. This strategy will have to be regularly evaluated and modified.

We must take into consideration factors such as social norms, evolution of the State, legislation, political parties and the media, among others. Using the steps outlined in MMHRC, we can gain a clear understanding of the role each constantly evolving system plays relative to the change we seek. This is a daunting task, but achieving such insight will help define our strategy.[2]

The questions we ask (and must keep asking) are:[3]

- What is the nature of the desired change (individual attitudes, social norms, legislation and policies, access to resources)?

- Are there any precedents we can learn from (positive deviance, history, current political and social tides)?

- Power analysis: who are the stakeholders and what power do they hold (look again - who have we forgotten)?

- What approach makes sense for this change?

- What strategies are we going to try (delivering services, building a broader enabling environment, demonstration projects, convening and brokering, supporting local grassroots organizations, advocacy)?

- Learning and course correction: how will we learn about the impact of our actions or changes in context (e.g. at critical junctures)?

As we begin to identify and understand the roles of power in the communities we are working in, we may identify already existing advocacy networks or alternatively, a lack of such networks. Advocacy networks are an important tool for human rights work and can assist in the launching of systematic and coordinated activism campaigns that engage numerous organisations across broad swathes of society. Keck and Sikkink note that a crucial function of these networks is the development of a mechanism by which smaller and more marginalised actors can strategically pool resources "to help create new issues and categories and to persuade, pressure" and, perhaps most importantly, "gain leverage over much more powerful organisations and governments."[4]

Creating advocacy networks should be an integral part of human rights workers' mission given that they can offset/remove many of the time and financial constraints which stifle human rights workers. These cross-sector networks have the advantage of bringing multiple perspectives offering a higher vantage point, a feature which should prompt human rights workers to develop such networks or explore existing ones. Such interconnected webs will help bridge prospective gaps between the human rights workers' strategy and the actual situation on the ground, and enable human rights workers to gain access to politicians and business leaders to enlist their support for the intended change.

In sum, partnerships in advocacy networks can play an important role in addressing human rights issues and accelerate change. Moreover, they enable human rights workers to bring together different aspects of the system in order to understand what is feasible.

4 • The Minnesota Method for Human Rights Change

Human rights workers work in countries facing multiple ongoing violations. Instead of trying to proactively address all these at once, human rights workers should instead focus on a few strategically chosen violations or issues where they believe that a *meaningful and lasting* impact can be made. MMHRC recommends first disaggregating the various human rights violations committed in a country, then prioritising which should receive the most effort on the part of that specific human rights worker. This process of prioritising is designed to gain support, clarity and buy-in from the diverse stakeholders so as to further coordinate efforts and establish shared expectations and priorities.

Prioritising a select few areas does not necessarily mean focusing on violations whose solution is the most obvious one. A human rights worker's choice of violations to concentrate on must also consider the areas deemed most crucial by local communities. Ignoring pervasive human right violations would damage their credibility and consequently reduce the chances of achieving a positive impact. MMHRC is designed to offer strategic pathways to facilitate human rights change.

While some human rights workers may find that MMHRC reflects what they are already doing, others may be reluctant to adopt it on the grounds that it would entail too much additional work. Compared to assessments carried out by international organisations such as the World Bank and UNDP and by UN political and development advisors, the proposed method requires little time and resources to implement, helps to create the networks and constituencies needed to facilitate change and therefore increases the effectiveness of human rights workers. We hope that MMHRC will become an integral part of the planning and reporting processes of human rights workers.

MMHRC is a cyclical six-step process. Each step is described in detail below.

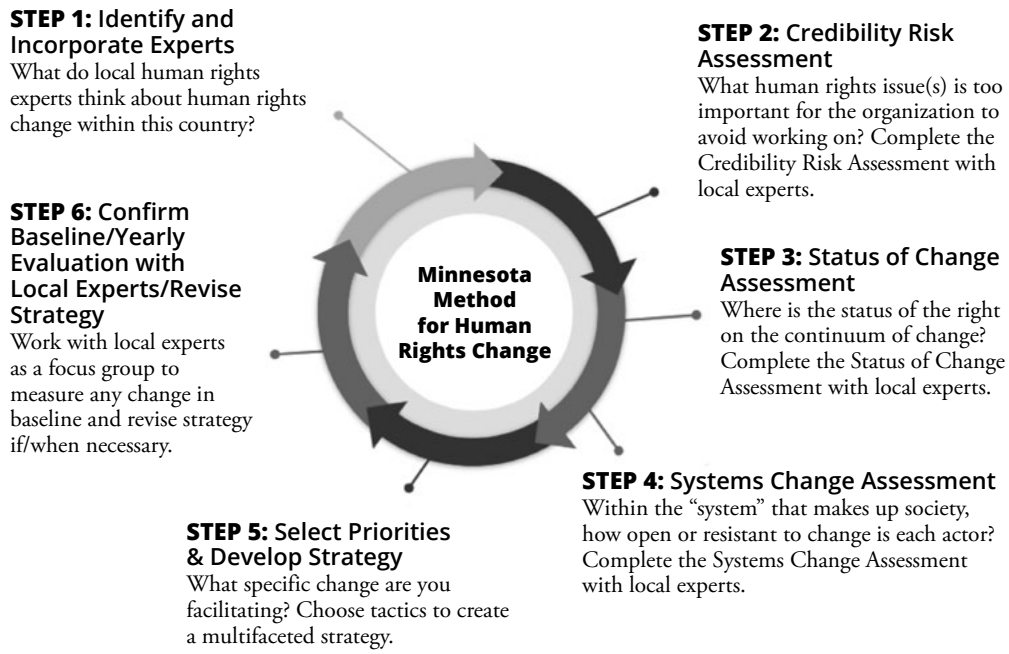

Figure 1: Minnesota Method for Human Rights Change

Step 1 - Identify and Incorporate Experts

The human rights worker should identify a group of five to ten experts from a varied range of local stakeholders with the objective of setting up an informal advisory council. Human rights experts are employed in ministries, national human rights institutions (NHRIs), non-governmental organisations (NGOs), religious institutions, the legal system, the media, academic institutions or other civil society organisations. In certain contexts, international experts could also be included, such as those at the UN, international financial institutions (IFIs), Member States, international NGOs and humanitarian organisations or academics. These experts have

the knowledge, information and contacts that human rights workers may otherwise lack. It is therefore in the interest of human rights workers to be part of a large network of government, NGOs, religious institutions, academic institutions, think-tanks and any other relevant stakeholders. Local experts are an integral part of the process for setting priorities and assessing the pace of change. They may put human rights workers in touch with other engaged stakeholders or prospective partners and help them complete the remaining steps of MMHRC.

Ideally, human rights workers should be able to solicit local experts' advice and input several times a year, or at least secure their commitment to completing the assessments once a year to provide the human rights worker with feedback on the impact of their actions.

Ask each expert to develop a list of the five to 10 human rights violations most present in their community. Ask the experts to be specific: for example, not just "access to quality education", but "access to quality education of the rural and/or indigenous population."

The human rights worker should then compile a list of the most pressing human rights violations based on the frequency with which the rights violation appears in the experts' lists. For example, if there are 10 experts and all 10 identify a given violation, then this violation tops the list of compiled answers. This list should not be longer than the five to 10 human rights violations identified by the group as a whole.

Step 2 — Credibility Risk Assessment

To conduct the Credibility Risk Assessment, the human rights worker, in collaboration with the previously established advisory council, should rate each human rights issue identified in Step 1 according to the level of risk to the organisation's credibility in case it fails to actively address the issue. The human rights worker should work separately with each of the experts to complete a matrix for each of the rights identified.

Figure 2 provides a hypothetical assessment where seven human rights issues, taken from a hypothetical situation, are rated on a scale from 1 to 10, 1 being the lowest risk to organisational credibility.

Notice that in figure 2, due process rights has an average rating of 9, meaning there will be a wide credibility gap if the organisation fails to address this issue.

Human Rights Issue/ Violation	Expert 1	Expert 2	Expert 3	Expert 4	Expert 5	Average	Credibility Risk
Education	3	4	4	8	3	4.4	On a scale of 1-10 (extremely low risk to credibility – extremely high risk to credibility), how much risk to the credibility of the organization is there if **NO** action is taken on this issue?
Women's Rights	6	5	4	6	5	5.2	
Due Process	9	10	8	9	9	9.0	
Persons with Disabilities	5	7	4	5	4	5.0	
Torture	4	3	3	3	2	3.0	
Healthcare	7	8	7	8	6	7.2	
Refugee Rights	8	7	9	7	7	7.6	

Figure 2: Credibility Assessment

As human rights workers promote common values embedded in the human rights treaties, the risk to the organisation's credibility due to failure to address an issue that local experts deem important is real. Human rights workers must be aware that while picking only the low hanging fruit may be tempting, the main strengths of human rights law lie in its principles and that failing to uphold them will erode their credibility.

Step 3 - Status of Change Assessment

To conduct the Status of Change Assessment, the human rights worker should again work with the advisory council to rate each human rights issue and determine the position of the right on the continuum of change illustrated in figure 3 below. Again, the human rights worker should work with each of the experts individually to complete a matrix for each of the rights identified in Step 1.

Figure 3 provides guidance on how to determine the position of each human rights issue on the continuum of change using a scale of 1-10.

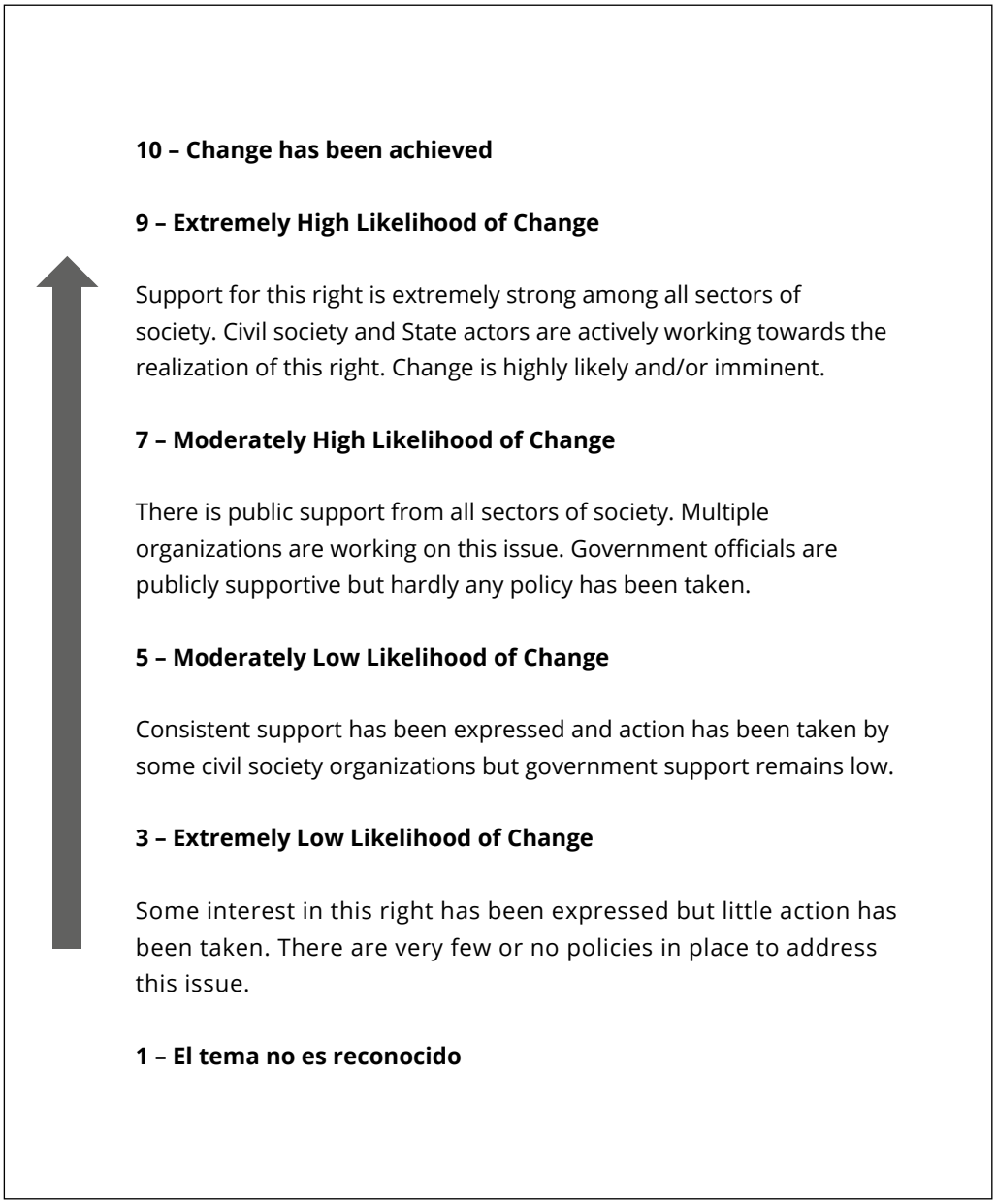

Figure 3: Status of Change scale

Once each expert has individually completed a status of change assessment, the human rights worker should create an aggregate table similar to the example seen in figure 4.

Human Rights Issue/ Violation	Expert 1	Expert 2	Expert 3	Expert 4	Expert 5	Average
Education	7	8	7	7	8	7.4
Women's Rights	4	3	3	2	3	3.75
Due Process	2	2	3	2	5	2.8
Persons with Disabilities	5	7	6	6	7	6.2
Torture	3	2	3	3	2	2.6
Healthcare	6	6	5	6	6	5.8
Refugee Rights	6	7	8	7	7	7

Status of Change

On a scale of 1-10 (Change is not likely at all – Change is extremely likely), how close is this right in its progression towards positive change?

Figure 4: Status of Change Assessment

Notice that in figure 4, education received an average status of change rating of 7.4, indicating that this particular right is much closer to/more likely to be realised than the right to be free from torture, for example, which has an average rating of 2.6. These ratings suggest that a positive change towards the eradication of torture is unlikely or difficult to facilitate. Under this scenario, the right to education or refugee rights may be considered to be low hanging fruit, given the existence of significant momentum for positive change in these areas.

The reality of human rights change is extremely complex. While completing the Credibility Assessment and Status of Change Assessment, it is likely that the human rights worker may find that a particular right poses high risk to the credibility of the organisation if not addressed, but that achieving change in the level of respect for this right may be very difficult. We argue that human rights workers should consider working on these difficult-to-achieve changes if they pose a high risk to the credibility of their organisations, as avoiding the difficult issues can make it difficult to make inroads on other issues.

Step 4 - Systems Change Assessment

To conduct the Systems Change Assessment, human rights workers should continue working with local experts to determine whether various sectors of society would support the desired change. This assessment differs from the two previous ones insofar as the experts will be requested to analyse the role that relevant actors play relative to a specific right. Actors exerting

influence over the change process may include the State, the legal system, the media, the international community, society and culture, civil society organisations, political parties, transnational corporations, activists and leaders. These actors will vary depending on the specific context of the community the human rights worker is working in.

Figure 5 illustrates a System Change Assessment based on a hypothetical study assessing women's rights in a given location.

Human Rights Issue/Violation	Expert 1	Expert 2	Expert 3	Expert 4	Expert 5	Expert 6	Expert 7	Average
Women's Rights	Rating	Rating	Rating	Rating	Rating	Rating	Rating	Rating
STATE	3	4	4	5	4	2	4	3.7
LEGAL SYSTEM	3	2	3	4	3	3	2	2.9
MEDIA	2	3	4	3	3	4	3	3.1
INTERNATIONAL SYSTEM	8	7	6	8	8	7	6	7.14
SOCIETY AND CULTURE	2	3	3	4	4	3	4	3.3
CSOS	9	8	8	7	8	8	7	7.9

Resistance to Change
On a scale of 1-10 (Extremely resistant/potential inhibitor to other areas of change – Very open to change/potential facilitator to other systems' change), how open to change is this sector?

Figure 5: Systems Change Assessment[5]

Note that civil society organisations (CSOs) received an average rating of 7.9, indicating that this sector is moderately to exceptionally open to positive change with respect to women's rights. The high rating could also mean that CSOs may act as facilitators, helping to change the attitudes to women's rights across the system.

Note: Refer to Figure 6 (next) for guidance on how to determine where each entity is situated on a scale of 1-10 for openness.

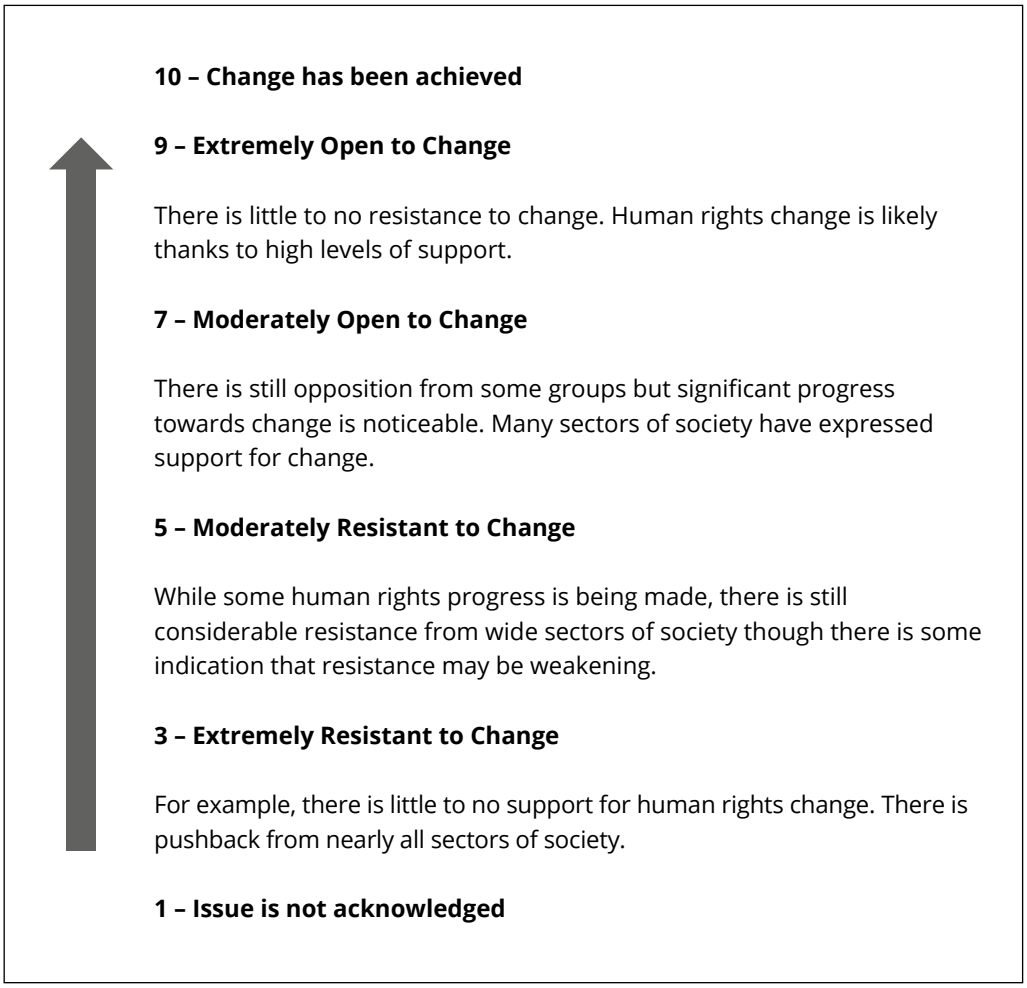

Figure 6: Openness to Change scale

Step 5 – Select Priorities and Develop Strategy

Using the scores from the above assessments and considering the priorities, available tools and resources of their organisations, human rights workers should identify a limited number of rights to prioritise.

Human rights violations are extremely complex and almost always wide-ranging in scope. This requires human rights workers to be specific when defining the themes related to the right they will be working on. The right to education, for instance, is a broad issue involving many stakeholders and might be narrowed down to one aspect such as, for example, classroom accessibility for learners with disabilities.[6]

The "missing" link to change may be legislation and policies, lack of political will, weak or non-existent institutions or entrenched social norms that are resistant to change

(though potentially, they could evolve and embrace change). Human rights workers must discern these missing components in order to devise a strategy. The missing elements may emerge at any time, for example, during discussions with the experts. Most often, knowledge of the challenge will emerge over time, necessitating further research related to how to foster change, along with further consultation with experts, desk review and engagement with organisations working on the same issue. MMHRC is designed to help human rights workers be as specific as possible about which aspect of the targeted rights will be addressed strategically within the community that they are working with. When developing a strategy, they should ask themselves the following:

- What are the main barriers preventing this change?
- Who can facilitate the change?
- What can a human rights worker, as one person (or a small team), do to contribute to the movement for change?
- Who can human rights workers partner with to help advance change within the local context?

Once goals are identified, human rights workers, in collaboration with relevant stakeholders, should select appropriate targets and tactics to create a multifaceted strategy to deliver the desired results.

Targets are the groups or individuals that can contribute to change, many of whom the human rights worker will have already contacted (see Step 1, local experts). These stakeholders, whose connections and expertise the human rights worker will leverage throughout the change process, are potential allies for building an effective plan of action and can play a pivotal role in helping human rights workers map out who is working for and against the priority issues identified. When thinking about targets, human rights workers should reflect on the following questions:

- Who is most affected by the problem?
- Who is currently working to make change?
- Who is currently working against change?
- What is the nature of relationships between the different actors?
- Does one actor have *power* over others?
- Do some actors have *conflicting* relationships?
- Are some of the actors in a *mutually beneficial* relationship?

When setting targets, it is important to identify specific individuals within specific organisations. When considering who to target, human rights workers should ask themselves the following questions:[7]

- Who is in a position of power?
- Who has influence with or over those with power?
- Who is close to those in power?

- What relationships can provide entry or access to individuals inside important organisations or institutions?

Using tools such as the Spectrum of Allies & Opponents, developed by the New Tactics programme at the Center for Victims of Torture, may prove useful in identifying potential targets[8] (see figure 7). The purpose of this tool[9] is to help advocates visualise who specifically is working to further their goals, who is actively working against the desired change and who is positioned in the middle of those two extremes. Ultimately, the aim is to have stakeholders move along the spectrum and become allies. For example, if a certain politician falls into the "passive allies" segment, the hope is that by the end of the advocacy efforts, he/she will have crossed to the "active allies" segment: after simply expressing support for the cause, he/she takes concrete steps towards the hoped-for progress. Having "passive opponents" move into the "neutral actor" segment, where their actions can no longer harm the cause, is also an effective tactic.

Spectrum of Allies & Opponents
(Adapted from The Center for Victims of Torture, new Tactics in Human Rights)

Active opponents	Passive opponents	Neutral actors	Passive allies	Active allies
Those who are actively working against the very change you are seeking	Those who have not taken concrete action against your issue, but may have made statements suggesting that they are not in favor either **Example:** Local politicians	Those who are not advocating for or against the issue, but may become potential allies	Those who agree with you but have not taken concrete action to further your goals **Example:** Public figures	Those who are actively working to achieve the change you are seeking

Place actors in the local human rights context along this spectrum.
How does this affect the tactics you will be using to make change happen?
How can you work to move actors towards active allyship?

Figure 7: Spectrum of Allies

Tactics[10] are strategic actions taken in order to meet set goals. Most successful advocacy campaigns deploy multiple tactics including raising awareness, mobilising allies, seeking justice, reducing fear, offering incentives, changing mindsets, facilitating collaborations, building capacity, etc. As people and situations change, tactics should remain flexible.

While the ultimate goal is to achieve progress in the protection of human rights, it is crucial to determine immediate, mid-range and long-term steps that will help pave the way for change.

Step 6 – Confirm Baseline/Yearly Evaluation with Local Experts/Revise Strategy

The three assessments above are useful tools not only because they can help human rights workers choose which issues to focus on, but also because they provide a "baseline" enabling human rights workers to return to the same group of local experts every year in order to gauge how much progress has been made, if any. The feedback they receive can also help them assess their annual strategy and revise it, if necessary.

5 • Using the Method: What Now?

As the human rights worker goes through this process, it is important to maintain communication with stakeholders and an orientation towards community engagement. If stakeholders and community members do not feel engaged in this process, change is unlikely. In addition, the human rights worker should work to maintain open lines of communication with other organisations who are working on similar issues. It should be remembered that one of MMHRC's principal goals is to enable stakeholders to strategically align priorities and create common expectations.

MMHRC is a cyclical process designed to respond to shifts and obstacles encountered along the way. Strategies will regularly need to be reviewed based on new developments and an evolving understanding of a given situation. The process can be restarted at any time and be replicated for any issue.

With the weight of human rights law behind them, and provided that they have a strong network of connections and extensive human rights knowledge and choose the right tactics to accomplish their mission, human rights workers will find the task of bringing about human rights change, as daunting as it may be, more manageable.

NOTES

1 • For example, the research team found only two works that recognize the role played by human rights advisors, though without delving into in-depth analysis: Daniel Moeckli and Manfred Nowak, "The Deployment of Human Rights Field Operations: Policy, Politics and Practice," in *The Human Rights Field Operation: Law, Theory and Practice*, ed. Michael O'Flaherty (Farnham: Ashgate, 2007): 87–104; and Michael O'Flaherty and George Ulrich, "The Professionalization of Human Rights Field Work," *Journal of Human Rights Practice* 2, no. 1 (2010): 1-27.

2 • Duncan Green, *How Change Happens* (Oxford: Oxford University Press, 2016): 29-30.

3 • *Ibid*., 8.

4 • Margaret Keck and Kathryn Sikkink, Activists Beyond Borders: *Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998): 1.

5 • Depending on the country context, human rights workers may wish to include additional entities or institutions in the Systems Change Assessment.

6 • "Strategy Toolkit," New Tactics in Human Rights, The Center for Victims of Torture, 2014, accessed May 12, 2020, https://www.newtactics.org/toolkit/strategy-toolkit.

7 • "Map the Terrain," New Tactics in Human Rights, The Center for Victims of Torture, n.d., accessed May 12, 2020, https://www.newtactics.org/sites/default/files/resources/Map%20the%20Terrain%20-%20Method%20Overview.pdf.

8 • "Map the Terrain: Identifying Allies & Opponents Using the Spectrum of Allies Tool," New Tactics in Human Rights, The Center for Victims of Torture, n.d., accessed May 12, 2020, https://www.newtactics.org/sites/default/files/resources/Map%20the%20Terrain_Exercise_Identifying%20Allies%20%26%20Opponents.pdf.

9 • *Ibid*.

10 • "Map the Terrain," New Tactics in Human Rights, The Center for Victims of Torture, n.d.

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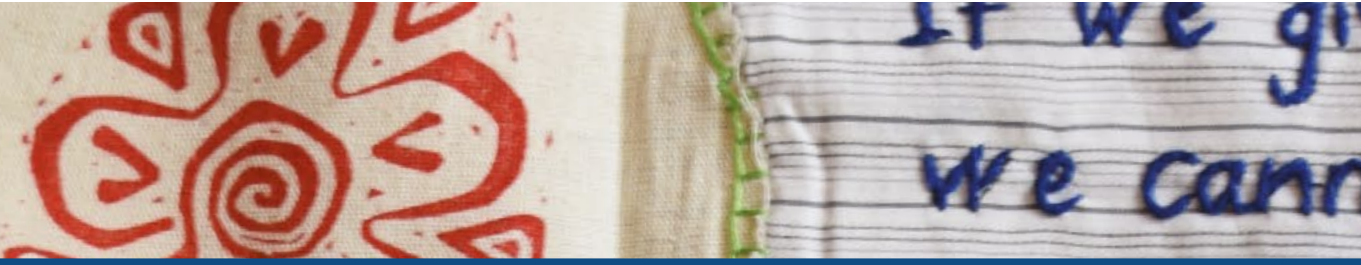

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