



PROTECTION **M**ANUAL ____ **For** ____ **LGBTI D**EFENDERS



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PROTECTION MANUAL FOR LGBTI DEFENDERS

This Manual for the Protection of LGBTI Defenders
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PI members have over 25 years' combined experience in the protection of human rights defenders and other vulnerable groups¹.

PI aims to contribute to the fulfilment of national and international obligations for the protection of defenders. Many NGOs and institutions already work on human rights and defenders issues. PI intends to complement this work.

PI's global strategy for the protection of defenders includes:

Protection and security capacity building and training

- Risk assessment, security/ protection management.
- Transfer of knowledge and tools.

Publication of manuals, this one, the New Manual (and its previous edition²) Training: between 2004-2008 over 1700 defenders have participated in PI capacity building and security workshops, improving their capacities in the management of their own security and their protection of others.

Research

- Study and elaboration of protection/security operational tools.
- Publication of information on the basis of lessons learned and best practices.

Advocacy

- Distribution of information on protection among defenders, IDP, EU institutions and EU Member States in the form of recommendations, reports and press releases and documentaries.
- Reminding both national and international authorities of their international obligations with regard to the protection of defenders, IDPs, refugees and other social actors.
- Promotion of debates and action to protect HRD; involvement of parliaments, trade unions and the media.
- Struggle against impunity of abuse of power against HRD through trial observation and plea against it.

¹ As of 25th October 2007, by royal decree of the Federal Public Justice Service, the European Bureau of Peace Brigades International, through the amendment of its articles published in the Belgian Official Journal, became "Protection International", an international non-profit making association.

² Published in 2005 with the financial support of Frontline and the development Cooperation of Ireland.

Video (video advocacy)

- Portraits of Human Rights Defenders.

Protection desks

- In partnership with local defender's networks, protection desks are set up as national and regional centres for protection and security management.
- Progressive hand-over to PD of the whole process of security/protection management (ownership is part of that process).

Protectionline

- www.protectionline.org is a one-stop website by/with/for defenders and those seeking to contribute to defender's protection.
- Daily update of information, documents, publications, testimonies, urgent actions and tools designed to promote the protection of defenders.

Normative framework

PI follows all international standards in international human rights and humanitarian law. Specifically, PI will use the guidelines provided by the UN Declaration on Human Rights Defenders (1998), and the EU Guidelines on HRD (2004), as well as the resolutions on defenders promoted by PI and adopted by EU member states in Spain, Belgium, Germany.

PI CAPACITY BUILDING AND SECURITY WORKSHOPS

From 2004 through 2007, a total of 1747 human rights defenders have participated in PI capacity building and security workshops.

- In South and Central America: 558 HRD

(Bolivia, Brazil, Colombia, Guatemala, Honduras, México, Perú)

- In Asia: 650 HRD

(Burma, Indonesia, Nepal, Thailand)

- In Africa: 441 HRD

(Kenya, Uganda, Democratic Republic of Congo)

- In Europe: 98 HRD

(Germany, Belgium, Ireland, Serbia, Republic of Ingushetia)

Defenders often protect others whilst neglecting their own security. There are various reasons for this. PI training in security and protection deals with these reasons and allows time to reflect on the risks and threats of which defenders are the target. PI training enables a detailed breakdown of risks and also the know-how and logic needed to incorporate security into defenders' work plans. During training, security is broken down into its different elements so as to analyse them, reflect on possible theories, scenarios and probable consequences of specific choices, and then choose the option whose consequences the defender's believe they can manage, fully aware that they cannot be sure of a specific outcome. In any case there is no magic answer that works every time; training aims to ensure that defender's acquire the skills needed for security: analysis, outcome, management and updating of the process. They have to do this on an individual, organisational and inter-organisational level, taking into account at least the political, psychosocial and physical exposure.

Let's improve this Manual...

Levels of risk and the dangers defenders face changes. New ideas of how to address the specific issues faced by the LGBTI community around the globe in ensuring their universally recognised human rights are constantly emerging. This manual, then, is a work in progress, and will need to be developed, improved and refined over time. Your feedback as a defender or stakeholder on any aspect of this manual will be invaluable.

Please send any comments and opinions - particularly in terms of your experiences of using the manual in your work. With your help, we can make this manual an increasingly useful tool for defenders all over the world.

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Preface:

“Promoting the denaturalisation of binary thinking”
Luciana Lavigne³

For the purposes of this manual the authors tried to avoid using any definitions of the terms lesbian, gay, bisexual, transgender and intersex. However on developing the manual and in conversations with various defenders working on a wide range of rights it became evident that some form of definition was needed in order to increase a general understanding of the issues at stake and improve the security enjoyed by defenders working on sexual orientation and sex/gender identity and gender expression issues and the rights to equality and non-discrimination of the LGBTI community.

Whilst the rights inherent in the freedom to sexual orientation/preference and sex/gender identity and gender expression (SOGI) cannot be tied to any specific group there still exists a need to identify and examine the issues faced by the LGBTI community. For the purposes of this manual, the authors will refer to SOGI rights to mean the human rights of LGBTI persons, which are not ‘special’ rights but are the universal human rights we all share, and talk of LGBTI persons, community and defenders. It is hoped that this will not impose limitations or promote further marginalisation of those people who do not identify the label LGBTI yet still work on issues of sexuality, gender expression and sex/gender identity.

The definitions of the terms Lesbian, Gay, Bisexual, Transgender and Intersex for the purposes of this manual are as follows:

Bisexuals- female identified women and male identified men who seek caring, supportive and sexual relationships with other men and women be they biologically male and female, transgender or inter-sex.

Gay- male identified men who seek, caring, supportive and sexual relationships with other male identified men transgender men or intersex men.

Intersex- individuals born with anatomy or physiology which differs from contemporary ideals of what constitutes “normal” male and female.

Lesbian- female identified women who seek, caring, supportive and sexual relationships with other female identified women, transgender women or intersex women.

Transgender- persons who, live as a gender other than the gender assigned to them at birth, but may or may not choose to resort to surgery and/or hormones. What characterizes transgender is the sense of possibility.⁴

³ Cabral M. Ed Interdicciones pg 68 (unofficial translation).

⁴ See Mauro Cabral, Serias para el Debate 3 - Publicación de la Campaña por una Convención Interamericana de los Derechos Sexuales y los Derechos Reproductivos, Lima, 2005.

The current and prevailing binary definitions of sex and gender are exclusionist. Human beings who do not fit these binary definitions are being discriminated against because of moral, social, cultural and religious beliefs and practices. There is no “obligatory” necessary relationship between anatomy, sex, gender identity, gender expression and sexuality etc. Studies into the lives of transgender people would suggest that the existence of two “genders” between which the transition is made is too simplistic an approach. Similarly approaching sex through a binary lens denies us a whole spectrum of variations to the human form. As much as there is a growing acceptance of transgender as a third possibility, there is a growing acceptance amongst intersex persons of the term as part of their identity. If binary definitions no longer suffice to qualify our gender identities/expressions and the sex we are given at birth does not recognise that other possibilities exist should we not also revisit the terms homo and heterosexuality? Opposites, once identified or presumed, often lead to hate and fear and the discriminatory practices we are all so aware of. This manual isn't going to attempt to address the complexities of our identities nor why we choose the labels we choose or that are imposed upon us. It is going to look at how we can develop practices that ensure as we demand our rights and for society to recognise and accept the diversity that is human kind we can do so securely.

By being who we are, by living our lives, associating with others and demanding the respect of our own rights not to be discriminated against, by calling for acceptance we are defending not only our own fundamental freedoms but those of every other human being on the planet. Our struggle for visibility in a sense defines us as human rights defenders.

This is the main reason why PI decided to publish this manual on the protection of LGBTI defenders in recognition of the contribution the LGBTI community is making to on going struggle for universal recognition of human rights. Also because we recognize that LGBTI defenders are exposed to stigmatisation, repression, discrimination and consequent HR violations because of their sexual orientation and sex/ gender identity and gender expression and simply because they are defenders. This manual aims at increasing the acceptance of the concept that human rights are for all and that the universality of human rights includes the LGBTI community and LGBTI human rights defenders have the right to do the work they do much the same as any other defenders does. This manual is the result of the contributions of LGBTI defenders from all “corners” of the globe.

A note on the “I”:

Many Organisations that to date have worked with a degree of success on promoting the issues of Gay men, Lesbians, Bisexuals and later including Transgender people and their agenda have now included the “I”. Intersex whether understood as a medical term or as part of the way we identify ourselves does seem to share some of the same issues as the LGBT movement as intersex people can be homo, bi or heterosexual, identify as a man, woman or a transgender person yet their agenda is seemingly different from that of the “mainstream” LGBT movement as Mairi Macdonald states in Intersex and Gender Identity:

“We are people whose very lives have been affected by outside interference and by others, especially the medical community, presuming to speak on our behalf. Therefore, in general, we are distrustful of those who wrongly presume that their experiences are similar to ours. We tend to view suggestions of alliances

built on this basis as invasive and attempting to appropriate our experiences for agendas other than our own. And we are particularly suspicious of those who imagine that our various histories can be reduced to a matter of gender identity.”⁵

Nuria Gregori Flor writing in Interdicciones would challenge this view underlining the similarities in agendas and the positive effect of the LGBT organisations now working on the I.⁶ In recognition of this debate and in support of any one of us that has felt at times that the LGBT and now “I” agenda has misrepresented us, we, the authors would like to add that the I was included as some organisations are identifying and working with intersex persons⁷ and therefore in any development of security plans these people need to be included. Some organisations are being set up to work only on Intersex issues. Some people and intersex organisations are challenging the discrimination and exclusion from within the LGBTI movement, others are demanding their own space. What is clear is that, to strengthen and develop as an umbrella movement we need to radically rethink our approaches to sexuality, sex/gender identity and gender expression and work on our own prejudices in an attempt not to repeat wider discriminatory practices. Discussions are ongoing, greater visibility is happening. We, at PI, don’t claim to understand all the complexities of this process yet we recognise that these debates need to continue. The decisions that are made along the way will impact on the security we enjoy. Carefully managed the consequences could be positive for us all.

5 Mairi Macdonald Intersex and Gender Identity 2000-http://www.ukia.co.uk/voices/is_gi.htm

6 “La experiencia Intersexual en el contexto español. Tensiones, negociaciones y microrresistencias” Interdicciones Cabral. M Ed. pg 75.

7 We will come back to this issue in Chapter Four -Organisational Image.

Introduction:

“Neither the existence of national laws, nor the prevalence of custom can ever justify the abuse, attacks, torture and indeed killings that gay, lesbian, bisexual, and transgender persons are subjected to because of who they are or are perceived to be. Because of the stigma attached to issues surrounding sexual orientation and gender identity, violence against LGBT persons is frequently unreported, undocumented and goes ultimately unpunished. Rarely does it provoke public debate and outrage. this shameful silence is the ultimate rejection of the fundamental principle of universality of rights”

Louise Arbour, Former UN High Commissioner for Human Rights

In many countries where openly “gay” lifestyles have been legally recognised and where rights to form partnerships and have those partnerships recognised and protected by the law, there exists a correlation between public and private sexual and gender identities. In countries where Sexual Orientation and Sex/Gender Identity (SOGI) rights are denied, oppressed and criminalised the gap between what is private and what is public widens considerably. It has been established that the lack of public space created by the lack of legal protection, the criminalisation through ‘unnatural sex’ acts, general and wide spread homo and transphobia within heterosexist societies forces many homosexual, bisexual, transgender or intersex people to live secret lives. Lives that are often marred by feelings of shame and isolation. It is this enforced privacy, this lack of visibility, that poses the greatest threat to SOGI rights and those that defend them. By exploring SOGI rights in different contexts and giving examples of issues that can affect the security of LGBTI defenders, this manual aims at integrating protection and security into LGBTI defenders’ work plans and lives. It does so, through risk analysis and consequent suggestions on the drafting of security and protection plans and processes. These elements are based on the same logical processes PI uses for all defenders. The underlying argument is that LGBTI defenders face repression and violations like all other defenders and yet, face additional threats because of their marginalisation, discrimination and lack of equality before and consequent protection from the law.

All defenders, LGBTI defenders included, face the risk of aggression and consequent human rights (HR) violations (harassment, torture, killings etc.) Therefore, it is important to reduce the risk of aggression by reducing the physical exposure to it and increase the political costs if it were to be carried out (increase deterrence). Similarly, all defenders, including LGBTI defenders, face the risk of stigmatization. LGBTI Defenders however face stigmatization not only for being defenders but because of our identities, the issues we work on and the people we work with. It is, therefore, important to reduce the probability that criticism against us achieves its goal by working to develop both our security and protection practices as defenders.

Over recent years the international community has become more aware of the situation of the LGBTI community as a whole. The argument that the LGBTI community are not asking for any specific rights rather to access the rights considered universal and therefore indivisible and inalienable to any human being is slowly beginning to gain ground.

Hina Jilani, the then UN Special Representative for Human Rights Defenders in her report to the Human Rights Council in March 2008 reiterates the international concern when she states:

“...defenders at particular risk are those defending the rights of indigenous peoples and minorities; those defending the rights of LGBTI persons and women human rights defenders (A/HRC/4/37)”.

The promotion of the human rights of these groups and their rights to defend human rights often challenges, economic and patriarchal systems that underpin power relations, often disguised as “values” that intend to shore up the status quo through discriminating against what its perceived as difference. Protection issues, personal and organisational security management require a broad understanding of societal constructs and a broader understanding of how to develop security plans and networks given these constraints. It requires some changes in our own attitude to security and protection which can often, at the risk of rasing a few hackles, mean compromises in our behaviour. Changing our attitude to security is permanent, changing our behaviour is tactical i.e. it needs to be done, in some cases only temporarily, to improve our security in order to reach our goal-respect for our rights.

In this manual we give more space than other security manuals for defenders on the specific issues and obstacles that prevailing societal values and legal systems present to LGBTI defenders. We aim at addressing not only the affect of wider societal value systems on defenders protection but also to address how the internalisation of these value systems and the consequences of them can often have detrimental effects on the defenders capacity to manage their own security. We also include information that could be used by policy makers to ensure that SOGI rights are integrated into mainstream policies and that actions taken by stakeholders not only include LGBTI defenders but are targeted towards them and the specific issues they face in order to improve their over all protection.

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Chapter One

International law and instruments

for protection of LGBTI Defenders

This chapter aims at giving a brief overview of the international instruments that provide for the protection of SOGI rights. It also aims to give a brief account of regional protection measures that can be accessed by LGBTI defenders in order to exercise their rights. As we develop our security plans we will need to take into account how we are going to work on different levels to achieve the full enjoyment of these rights enshrined in international law, upheld in regional protection measures and in a few cases even included in national constitutions and criminal procedure codes. We also need to be aware that working on these issues will often increase the danger that we or our organisation faces especially as we will be seen to be raising the stakes.

Our Rights at stake⁸ :

First we are going to look, in general, at the rights at stake. Please refer to the Yogyakarta Principles for a better understanding of this section.

The LGBTI community does not claim any **'special'** or **'additional rights'** but the observance of the same rights as those of other human beings; rights that are universal and enshrined in the Universal Declaration of Human Rights, 1948.

Lesbian, gay, bi-sexual, transgender and intersex (LGBTI) persons are denied - either by law or practices - basic civil, political, economic, social and cultural rights.

Our Rights	Ways in which they are violated
<i>The right to equality in rights and before the law</i>	In many countries the LGBTI community is denied the right to equality before the law through special criminal provisions or practices on the basis of sexual orientation. Often laws legalizing same sex relations, where they exist, maintain a higher age of consent in comparison with opposite sex relations. The failure of many States to legally recognise the Individual as the "right holder" and the rights over controlling our own lives and our bodies could be interpreted as violating this right.

⁸ Please Also See Sexual Orientation, Gender Identity and International Human Rights Practitioners Guide No.4 International Commission of Jurists/Allison Jernow

<i>The right to non-discrimination</i>	Denied by omitting sexual orientation or sex/gender identity in anti-discrimination laws, constitutional provisions or their enforcement. Denied to intersex infants by the medical profession and their own families who out of fear or ignorance, promote or consent to invasive, irreversible “corrective” medical procedures.
<i>The right to freedom from violence and harassment</i>	Denied by omitting sexual orientation and sex/gender identity and gender expression in anti-discrimination laws, constitutional provisions or their enforcement.
<i>Right to free development of one’s personality</i>	Violated by the failure to recognise human diversity in all its forms and develop legal protections for that diversity.
<i>The right to life</i>	Violated in states where the death penalty is applicable for sodomy. Denied by States who do nothing to curb a fear of difference that results in violence and death. The killing of intersex children is but one example.
<i>The right to be free from torture or cruel, inhuman or degrading treatment</i>	Infringed upon by police practices, in investigations or in the case of LGBTI persons in detention. Forced stripping of transgender people in detention is unfortunately all too common a form of torture.
<i>The right to protection from Arbitrary arrest/ Illegal detention</i>	Occurs in a number of countries with individuals suspected of having a homo/bisexual identity. Detentions of dubious legal character are commonly carried out against transgender persons. Even where the law criminalises same-sex activity it can only be enforced if “caught in the act”. arresting someone on the presumption of their sexuality is to all intent and purposes “illegal”
<i>The right to freedom of movement</i>	Denied to bi-national couples by not recognizing their same sex relationship and by states failure to issue identity cards according to “chosen” sex/ gender identity.
<i>The right to a fair trial</i>	Often affected by the prejudices of judges and other law enforcement officials.
<i>The right to privacy</i>	Denied by the existence of ‘sodomy laws’ applicable to LGBTI persons even if the relation is in private between consenting adults. Denied to Transgender and Intersex people by the continued “over-medicalisation” of their “condition”.
<i>The right to freedom of expression and freedom of association</i>	Either denied explicitly by law, or LGBTI community may not enjoy them because of the homo/transphobic climate in which they live.
<i>The right to freedom of practice of religion</i>	Usually restricted in the case of LGBTI persons, especially in the case of the clergy advocating against them.
<i>The right to work</i>	The most affected among the economic rights of LGBTI community, many LGBTI persons being fired because of their sexual orientation and sex/gender identity or discriminated in employment policies and practices.

<i>The right to social security, assistance and benefits,</i>	Where social welfare systems exist, they are very often geared toward preserving the family unit without giving adequate recognition to the LGBTI community.
<i>The right to physical and mental health</i>	Found to be in conflict with discriminatory policies and practices, some physicians' homo/transphobia, the lack of adequate training for health care personnel regarding sexual orientation, transgender or intersex issues. Denied to intersex persons whose physiology/ bodily make-up is altered without their consent at birth A "simple" issue like the lack of sex/ gender neutral public toilet facilities can often deny people the right to physical and mental health.
<i>The right to form a family</i>	This is denied by governments by not-recognizing same sex families and by denying the rights otherwise granted by the state to heterosexual families who have not sought legal recognition, but still enjoy several rights. Where transgender men and women are allowed to obtain citizenship in their identified gender families can often be recognized by the law yet LGBTI couples and individuals are often not allowed to adopt a child , despite that child being of their same or opposite sex partner. Surgeries imposed at birth in order for the child to conform to the sex binary can leave people sterile violating their right to form a family.
<i>The right of protection against separation from parents</i>	Children can also be denied this right based on a parent's sexual orientation and/or sex/gender identity or gender expression. In a sense this right can be violated when intersex children are rejected by their parents because of ignorance and fear.
<i>The right to education</i>	LGBTI students may not enjoy this right because of prejudices and violence created by peers or teachers in schools. The high rate of school drop-out amongst LGBTI youth is a direct consequence of bullying and discrimination. "sexed" or "gendered" toilets in educational establishments again can contribute to denying LGBTI youth their rights to education.
<i>The right to defend these rights</i>	Violated by state's failure to protect LGBTI defenders, repeal laws that are used to discriminate against LGBTI organisations, prevent organisational activities from being carried out.

Brief overview of international human rights law, treaties, conventions and declarations.

The main principles guiding a human rights approach on LGBTI issues relate to **equality, non-discrimination and the right to privacy**. The human rights related to non-discrimination are explicitly set out in the Universal Declaration of Human Rights, International Covenants, the Convention on the Rights of the Child and other widely adhered to international human rights treaties and declarations. Though these documents do not contain direct references to discrimination based on sexual orientation, they do prohibit discrimination on grounds of sex. **In 1993 the UN Committee on Human Rights, declared that the prohibition against**

sex discrimination in the International Covenant on Civil and Political Rights included discrimination on the basis of sexual preference.

What provisions of international human right law guarantee everyone the right to freedom of sex, sexual orientation and freedom from sex/gender identity discrimination?

Here we have included excerpts from **Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.** In developing our security plans it is important that everyone is aware of each of these international instruments and the protection they afford both to our rights and to us.

“All human beings are born free and equal in dignity and rights.... Everyone is entitled to ... rights ... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.... Everyone has the right to life, liberty and security of person.... No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.... All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.... No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.... Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.... Everyone has the right to freedom of thought, conscience and religion.... to freedom of opinion and expression; this right includes freedom to hold opinions without interference.... Everyone has the right to freedom of peaceful assembly and association.... Everyone ... is entitled to the realization ... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.... Everyone, without any discrimination, has the right to equal pay for equal work....”

-Universal Declaration of Human Rights, Articles 1, 2, 3, 5, 7, 12, 16, 18, 19, 20, 22, and 23

Each State Party ... undertakes to ... ensure ... rights ... without distinction of any kind...; to ensure that any person whose rights or freedoms ... are violated shall have an effective remedy...; ... to ensure the equal right ... to the enjoyment of all civil and political rights.... No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.... Everyone has the right to liberty and security of person.... All persons shall be equal before the courts.... No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home ..., or to unlawful attacks on his honour and reputation.... Everyone has the right to the protection of the law against such interference or attacks.... Everyone shall have the right to freedom of thought, conscience.... Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression.... Everyone shall have the right to freedom of association.... Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor.... All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.... [The] law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground....”

-International Covenant on Civil and Political Rights, Articles 2, 3, 7, 9, 14, 17, 18, 19, 22, 24, and 26

“States Parties...undertake to guarantee that ... rights ... will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.... States Parties ... undertake to ensure the equal right ... to the enjoyment of all economic, social and cultural rights.... The States Parties ... recognize the right of everyone to ... Fair wages and equal remuneration for work of equal value without distinction of any kind.... The States Parties ... recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.... Equal opportunity for everyone to be promoted.... Education ... shall be made equally accessible to all.... The States Parties ... recognize the right of everyone ... to take part in cultural life....”

-International Covenant on Economic, Social and Cultural Rights, Articles 2, 3, 7, 12, 13, and 14

“States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means ... a policy of eliminating discrimination against women and ... undertake: to embody the principle of the equality ... in their ... constitutions ... and to ensure ... the practical realization of this principle; To adopt ... legislative and other measures ... prohibiting all discrimination against women; To establish legal protection of the rights of women ... and to ensure ... the effective protection of women against any act of discrimination; To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities ... shall act in conformity with this obligation; To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; To take all appropriate measures ... to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.... “States Parties shall ... ensure... equal rights ... in the field of education ...; the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education...; States Parties shall ... ensure, on a basis of equality ..., the same rights, in particular ... the right to work ...; the right to the same employment opportunities...; the right to promotion, job security and ... the right to ... vocational training...; the right to equal remuneration ..., equal treatment in ... work of equal value.... States Parties shall ... ensure, on a basis of equality ..., access to health care services.... States Parties shall ... ensure ... the same rights ... to bank loans, mortgages and other forms of financial credit....”

-Convention on the Elimination of All Forms of Discrimination Against Women, Articles 2, 10, 11, 12, and 13

“States Parties shall respect and ensure ... rights ... without discrimination of any kind irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members....”

-Convention on the Rights of the Child, Article 2

“Everyone has the right...individually...in association...to promote... to strive for...protection...realization of human rights... fundamental freedoms at...national and international level...State has... prime responsibility...duty to protect...promote...implement...human rights...fundamental freedoms... to create all conditions necessary... as wells as legal guarantees... to ensure...all persons...are able to enjoy all those rights and freedoms in practice...domestic law... consistent with international obligations...is the juridical framework...should be implemented and enjoyed...nothing... shall be construed as... derogating...the provisions of the Universal Declaration of Human Rights...International Covenants on Human Rights...other international instruments or commitments ... everyone has the right ... to

meet and assemble freely...form...join...participate in non-governmental organisations...communicate with non-governmental...intergovernmental organizations...to access information...publish...impart...disseminate...views...information...knowledge...to draw public attention to...matters...to develop...discuss new human rights ideas... principles...advocate...acceptance...everyone has the right...on a non-discriminatory basis...to participation...in the conduct of public affairs...includes... the right...to submit...criticism...proposals for improving their function...draw attention to...their work that may...hinder...impede...promotion...protection...realization of human rights...everyone has the right...to...effective remedy...to be protected...everyone has the right...to complain to...public hearing...impartial...to obtain...a decision...providing redress...without undue delay...everyone has the right...to complain about...policies...actions...of officials...government bodies... State shall take...necessary measures...ensure...protection...of everyone...individuals...have an important role...responsibility...contributing...to...promotion of...right of everyone to...rights and freedoms...in the Universal Declaration of Human Rights...

UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote Universally Recognised Human Rights and Fundamental Freedoms Articles 1,2,3,4,5,6,7,8,9,12 and 18⁹

Regional Protection of Human Rights:

African Charter on Human and Peoples' Rights

This treaty was adopted by the Organization of African Unity (now African Union) in 1981 and is the most widely accepted regional human rights instrument, having been ratified by more than fifty countries. It condemns discrimination and provides for certain rights, but so far, its monitoring and enforcing body - the African Commission on Human and Peoples' Rights -- has not yet officially dealt with sexual orientation or sex/gender identity and gender expression.

American convention on Human rights

Came into force in 1978 and contains a wide range of rights to be protected by state parties to the convention including protection from discrimination and provides for the progressive achievement of economic, cultural and social contained in the Charter of the Organisation of American States 1948 and subsequent amendments.

The Inter-American Commission in Human Rights, established in 1959 has jurisdiction over all of the member states regardless of their ratification status. Article 44 of the convention which establishes the right of individual complaint of an alleged violation of the convention has become a most useful tool in the promotion of SOGI rights.

The first case of discrimination was brought to the Commission in 1998, Marta Alvarez who brought a petition against Colombia before the Inter-American Commission on Human Rights (*Velasquez Rodriguez v Colombia*, 1998). She was denied the right to equal treatment through the refusal of Colombian prison authorities to

⁹ The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote Universally Recognised Human Rights and Fundamental Freedoms 1999 is non-binding and is left up to the discretion of UN Member States to adopt and domesticate into national laws.

grant her the conjugal visits with her partner because of her sexual identity as a lesbian. Colombian law states that conjugal visits are a right for all its citizens, without regard to sexual orientation.

Arab Charter on Human Rights

The charter though still not enforced was adopted by the Council of the League of Arab States in 1994 and affirms the principles contained in the UN Charter, The Universal Declaration of Human Rights, International covenants on Human Rights and the Cairo Declaration on Human Rights in Islam. A number of more traditional human rights are provided for the right to liberty and security of persons, equality of persons before the law, protection of persons from torture, the rights to private property and religious freedom, freedom of assembly and association.

ASEAN Charter

Signed in November 2007 the ASEAN Charter contains important provisions for the monitoring and protection of human rights within its ten member states. At the time of going to print the High Level Panel that is to develop the terms of reference for the ASEAN Human rights body is currently in the process of submitting its first draft, expected in December 2008. The charter itself agrees that member states should uphold the international treaties and norms that they have ratified.

European Convention on Human rights, ECHR

Came force in 1953. Its eleven protocols it covers a wide range of primarily civil and political rights, including the right to life, prohibition of torture and slavery, liberty, security of person, right to fair and public hearing, prohibition of retroactive criminal legislation, right to respect for family and private life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, the right to marry and found a family and the right to effective national remedy should any of the rights contained in the convention be violated. Protocol 12 on the prohibition of all forms of discrimination is not currently in force.

The European Court of Human Rights charged with monitoring and protecting the rights outlined in the convention has treated several LGBTI cases. It has found that discrimination in criminal law regarding consenting relations between adults in private is contrary to the right to respect for private life in article 8 ECHR (*Dudgeon v UK, 1981, Norris v Ireland, 1988, Modinos v Cyprus, 1993*). The court was the first international body to find that sexual orientation criminal laws violate human rights and has the longest and largest jurisprudence in addressing sexual orientation issues. The case law also includes an 1997 decision of the European Commission on Human Rights (former first body for individual complaints) that a higher age of consent for male homosexuals acts from that for heterosexual acts was discriminatory treatment contrary to Article 14 ECHR in respect of the enjoyment of the right to privacy (*Sutherland v UK*).

European Social Charter drawn up in 1961, this treaty protects social and economic rights and its European Committee of Social Rights examines the human rights record

of states. It can hear opinions only from groups that have a consultative status with the Council of Europe this includes some LGBTI organizations such as ILGA.

The EU Guidelines on the Protection of Human Rights Defenders published in 2004 are a set of practical guidelines for the EU on how to protect defenders. Though binding within the EU the implementation of these guidelines has been sporadic around the world and depends on the understanding and commitment of diplomats to promote and protect human rights and those that defend them. EU Missions around the world are currently in the process of developing **Local Implementation Strategies (LIS)** for third countries as part of their policy to protect defenders. Some of these LIS have included specific provisions for the protection of “minority” defenders. The EU has also developed a set of guidelines for the Prevention of Violence Against Women (2008) which includes language on lesbian, bisexual and transgender women to be used in conjunction with the provisions outlined in the HRD guidelines.

Some EU Member States the UK and the Netherlands are making a stronger contribution to the protection of SOGI rights and LGBTI defenders campaigning both through their Mission in third countries and Capitals for LGBTI defenders to be recognised and consulted. Norway has produced its own set of guidelines for the promotion of the human rights of LGBT populations (2009).

Taken from the UK Foreign and Commonwealth Office “Tool Kit” on LGBT Rights¹⁰

What practical steps can a Post take?

Support efforts of civil society to change laws and social attitudes by –

- Providing messages of support when requested;
- Providing public information on the situation of laws and practice regarding LGBT people in the UK;
- Encouraging The British Council to include LGBT information in its public information centres;
- Hosting occasional debates and seminars on relevant issues and including LGBT aspects and speakers;
- Ensuring that the LGBT aspects are included in local activities promoting British cultural life;
- Using Post funds to support civil society work for LGBT rights

Use international mechanisms

Suggest that visiting UN special rapporteurs, EU Special Representatives and equivalent figures from the Council of Europe, the OSCE and other regional human rights bodies, meet local NGOs that support LGBT equality and non-discrimination. Encourage local groups to include information on the situation

¹⁰ See FCO on LGBT Rights www.protectionline.org

of LGBT people in their alternative reports to regional human rights mechanisms as well as the UN bodies. Include such information in material for use in the Universal Periodic Review mechanism of the UN Human Rights Council.

Briefing to visiting UK dignitaries

Include information on the situation of LGBT people in briefing materials for visiting dignitaries and encourage them to raise the issue with local counterparts.

Charting LGBT rights

Use the analysis in Annex 3 to track the situation of LGBT people so as to identify progress and setbacks.

Champion for LGBT rights within EU CFSP

Posts should work alone and/or with other sympathetic EU member states (especially Sweden and the Netherlands) to ensure that the issues relevant to LGBT rights are adequately addressed through CFSP. Such action could include suggesting démarches on egregious human rights abuses. Some member states may actively resist this for their own ideological reasons.

Correct information in EU HOMs Report

Ensure that the EU heads of mission report on human rights in your country is an accurate reflection of the legal and social situation, and that, when updated, it identifies any trends towards equality.

Use political dialogue to raise LGBT rights

Raise more general issues of equality and non-discrimination in the domestic implementation of human rights standards during regular political dialogue, including under the EU's Partnership and Co-operation Agreements, and the Cotonou Agreement.

Co-operation with DFID

In some countries DFID has programmes that include LGBT people, whether as part of HIV/AIDS prevention or the socially excluded. Posts could work with DFID to help address the underlying causes and support their efforts.

Co-operation in multilateral fora

Posts working with multilateral fora should join with like-minded States to identify opportunities to advance LGBT equality in the enjoyment of human rights.

National constitutions and criminal procedure codes:

In this section we would like to briefly look at what can be seen as examples of best practice with regard to developing national constitutions and the de-criminalizing and legalisation of same sex relations. **It is essential that National Constitutions and subsequent legal provisions recognise SOGI rights as part of their equality and anti-discriminatory agendas.**

Ecuador's revised Constitution includes the following:

Art. 3.4.

To guarantee a **secular ethics** as the basis for public action and for the legal system.

Art. 11.2.

Nobody could be discriminated against on the basis of ethnicity, birth-place, age, **sex, gender identity**, cultural identity, **civil status**, language, religion, ideology, political affiliation, judicial past, socio-economic status, migratory status, **sexual orientation, health status, living with HIV**, disability, **physical differences** or any other personal or collective, temporary or permanent condition... The law will punish all forms of discrimination. The State will adopt affirmative actions measures in favour of those subjects of rights that are in a situation of inequality.

Art. 21.

Culture cannot be invoked to attack constitutionally recognized rights.

Art. 32.

The State will guarantee the right to health through permanent, timely and non-exclusionary access to programs, actions and services for comprehensive health, **sexual health**, and **reproductive health** care.

Art. 66. 3.

Recognises the right to the **free development of one's personality**¹¹.

Art. 66.9.

Recognizes the right to make free, informed, voluntary and responsible **decisions on one's sexuality, sexual life and orientation**. The State will promote access to the necessary means for these decisions to be made in safe conditions.

Art. 66.10.

Recognizes the right to make free, responsible and informed **decisions on one's reproductive health and life**, and to decide when and how many children to have.

Art. 66. 12.

Recognizes the right to **conscientious objection** provided it does not impinge upon other rights, cause damage to other individuals or to nature.

Art. 67.

Recognizes the **family** in its diverse types (**but**) Marriage is the union between man and woman.

¹¹ Note: This right has been developed in Colombia and has been used with good success by Colombian activists to protect the rights of gays, lesbians, bisexual, trans and intersex individuals.

Art. 68.

Stable and monogamous **union** between two non-married individuals who set up a de-facto household will generate the same rights and obligations enjoyed by those families constituted as such through marriage (**but**) Adoption will correspond only to different-sex couples.

Art. 81.

The law will establish special and fast procedures for dealing with inter alia, **hate crimes**.

Art. 83.

To respect and learn about differences based on ethnic, national, social, generational, gender, sexual orientation and identity is a **duty** for all Ecuadoreans.

Art. 347.

It is the responsibility of the State to guarantee that all schools provide **education** on citizenship, sexuality and the environment, from a rights perspective.

Art. 363.

The State will be responsible for guaranteeing actions and services for **sexual health and reproductive health**, as well as for women's health and life, particularly during and after pregnancy and childbirth.

Qualified, Persistent and Informed Consent:

The Colombian Constitutional Court in 1999 ruled in favour of two intersex infants saying that the consent given by their parents for "corrective" surgery was invalid.¹² The Court established new rules that aimed at putting the interests of the child first. The Court held that intersex people constituted a minority entitled to protection from the State. The Court ruled that whilst parents are usually best placed to decide for their children and put their interests above all else in the case of intersex children parents were likely to make decisions based on their own fears and ignorance especially if forced to decide quickly. In a sense parents would be discriminating against their own children if they consented to surgery.

The Court considered that parents consent to medical procedures on behalf of children too young to consent for themselves depends upon:

- i) The urgency of the procedure
- ii) How invasive and risky the procedure is
- iii) The age and degree of autonomy of the child

The Court instructed both the legal and the medical profession to develop a new form of consent, **Qualified, Persistent and Informed Consent** that intended to force parental decisions that **only** took what was best for the child into consideration.

12 T-551/99 Bogota August 1999 and SU-377/99 Bogota May 1999

Qualified, persistent and informed consent requires, information sharing on the risks and alternative treatments, signed and repeated permission to be given over time and information about the consequences of the proposed medical procedure. It eliminates any bullying into decisions that the medical profession has been accused of and parents reacting out of fear and ignorance effectively denying their child, through discrimination, the right to free development of their own personhood. The CRC Article 2 is clear about the right of the child to be protected from discriminatory practices.

Penal Codes: Romania

The Romanian Penal code us provides us with an example where discrimination on the grounds of sexual orientation has been decriminalised and can now be treated both in the civilian courts or through actions carried out by the body set up in 2000 to monitor all forms of discrimination, the National Council on Combating Discrimination, NCCD. Though gender identity based discrimination still remains absent from the protection of the law in Romania steps have been made towards securing fundamental rights for Romania's lesbian, gay and bisexual community.

Article 2 of Romanian Law 324/2006 for the amendment of Government Ordinance 137/2000 regarding the prevention and punishment of all forms of discrimination sanctions:

“...any difference, exclusion, restriction or preference based on race nationality, ethnic origin, language religion social status, beliefs, sex, sexual orientation, age disability, chronic disease, HIV positive status, belonging to a disadvantaged group of any other criterion aiming to or resulting in the restriction or prevention of equal recognition use or exercise of human rights and fundamental freedoms, in the political, economic, social and cultural field or any other field of public life.”

Transgender and intersex persons are then covered by the “any other criterion” despite not being mentioned in the law itself. Modifications to Romanian law have also created provision within the law for positive discrimination in favour of disadvantaged or marginalised groups and to criminalise acts of victimisation, harassment and instruction to discriminate.¹³

The challenge then of both national and regional LGBTI communities is to promote some form of national legal recognition in line with both international norms and regional level protection measures to ensure better implementation. Networks at a national level need to be developed to continue to pressure for the repealing of antiquated sodomy laws. Adult consensual same sex relations need to be brought under the protection of national legal provisions in line with international standards on discrimination. Our identities need to be recognised if we are to have equality before the law. The definition of the family needs to move away from the notion of man, woman and child to encompass a new diverse global reality.

¹³ See Lordache and Lonescu 2008.

Networks that can create pressure at international level need to be strengthened. Regional bodies need to be lobbied on the necessity for conformity at a regional level of national constitutions and subsequent legal provisions in line with binding international law that can be used for the protection of SOGI rights¹⁴. For example the human rights provisions in the ASEAN charter need to be implemented and LGBTI groups need to find their voice amongst the mainstream human rights organisations in ensuring that. The implementation and development of African and Arab charters needs to be monitored. The SAARC needs to be convinced to develop a body that has a mandate for human rights protection. The UN needs to address the situation of SOGI rights more seriously, as the first edition of this manual went to print the 60th Anniversary of the Universal Declaration on Human Rights had generated a debate at the UN General Assembly where 66 countries from all over the world are promoting SOGI rights and an end to discrimination against the LGBTI community.

As we revise this manual men perceived as gay are being tortured and killed in Iraq, Aceh has just passed a law where perceived homosexuality could mean death by stoning, Rwanda is considering passing a law to criminalise same-sex activity, a Kenyan law maker claims he can't understand why "a Kenyan would marry a man when there are women to marry" and the Parliament in Uganda is considering a law that will not only re-criminalise same-sex activity with harsher sentences but also now makes being friends with homosexuals a crime punishable with up to three years in jail. This law promises to return to past witchhunts that go back to Stalin and McCarthy. That to offset the steps forward in Uruguay where finally transgender people will be able to access their rights to work, education and to health as the Government decides to allow them to register in the gender of their "choice". and India repeals its "unnatural sex act", Article 377 of the Penal Code, decriminalising same-sex activity. Both our losses and our gains will impact on our security. The negative affects of draconian laws and practices are perhaps the more obvious, drawing the lines over sexuality, as one Indian observer has put it, could also bring unwanted security concerns despite removing such a major obstacle as 377.

Discrimination in all its forms needs to be brought to an end through combined use of education and legal sanctions.

¹⁴ See Yogyakarta Principles.

Chapter Two

Political analysis - beginning to make informed decisions about your security and protection

Aims of this chapter

To create awareness on the importance of analysing your working environment for security reasons and to provide a 4 step tried and tested method for undertaking context and stakeholder analyses. At the end of this chapter you should be able to develop possible scenarios on which to base your security measures.

Understanding your working environment

LGBTI defenders work in complex environments, comprising of many different actors influenced by traditional policies and decision-making processes. In any given situation several events can occur that will impact on each other and your environment. The response from other actors to these events and the relationships they have with others will affect your working environment. Defenders therefore need information not only about issues directly related to their work, but also about the positions of key actors and stakeholders.

Analysing your working environment

It is very important to know and understand as much as possible about the context you are working in. A good analysis of that context enables informed decisions about which security rules and procedures to apply. It is also important to think about possible future scenarios, in order, where possible, to take preventative action.

A simple exercise to introduce the idea would be to organize a role play where very little contextual information is given and those participating are asked to play the following roles:

1. LGBTI victim of a human rights violation
2. Family member of the victim
3. Police officer
4. District level administration officer

5. Mainstream human rights defender
6. National human rights institution (if there is one)
7. Representative of international community (OHCHR, other UN Agency, Diplomat)

Let the participants play out the roles according to their own experience and see how the picture develops. Others in the group can act as observers and comment on what they see and if it represents the reality they experience. From here you can lead into more detailed and technical tools for analysis.

We also need to look at how each of our activities could impact on our environment and how other actors might react. It is also important to take into account the dimensions of any given working environment. We can undertake an analysis at macro level by studying a country or a region, but we also have to find out how those macro dynamics function in the particular area where we are working, i.e. the micro dynamics. For instance, right-wing religious groups in one local area may act differently to how you might expect following a regional or national analysis. We need to be aware of such local characteristics. It is also crucial to avoid having a fixed view of our working environment, because situations evolve and change. We should take the time to review our working environments regularly.

Asking Questions, the Force Field Analysis, the Stakeholder Analysis and development of scenarios are four useful steps for analysing your working environment and the impact our work is having:

Step 1: Asking questions

You can understand your working environment better simply by asking the right questions about it. This is a useful tool for generating discussions in a small group, but it will only work if the questions are formulated in a way that will make it easy to find a solution.

Suppose, for example, that harassment by local authorities has become a problem. If you phrase the question as: “What should be done to reduce the harassment?” you may find yourselves simply looking for a remedy to the symptom, i.e. the harassment.

But if you phrase the question to point toward the causes, you may be on your way to finding a real solution. For example, if you ask: “Is our working environment safe enough for doing our work?” there can be only two answers – yes or no.

If the answer is yes, you will need to formulate another question that can help you pinpoint and properly understand the critical issues at stake for maintaining your safety. If, after proper consideration of all available activities, plans and resources, as well as legislation, comparisons with other defenders in the area, etc, the answer should turn out to be no, this in itself will amount to a solution to the problem.

Using the Asking Questions method:

- Look for questions that will help you pin-point and properly understand the critical issues at stake in order to maintain your safety.
- Formulate the questions in a solution-oriented way.
- Repeat this process as many times as necessary (as a discussion).

Some useful questions to be asked:

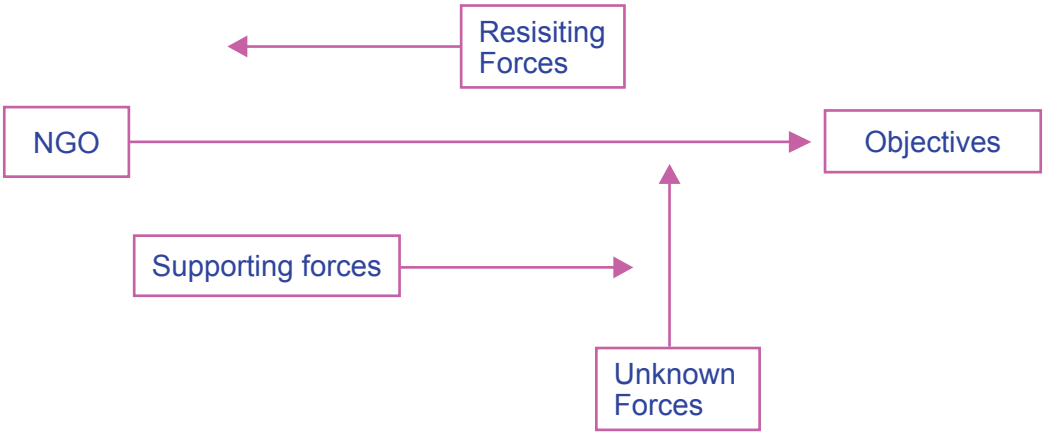
- Which are the most important issues at stake in our environment?
- Who are the actors with an interest in these issues?
- How might our work affect negatively or positively the interests of these actors?
- How are we going to react if we are targeted by any of these actors because of our work?
- Is our working environment safe enough to carry out our work?
- Has anyone carried out any similar activities in the past?
- How did local/national authorities responded to their work?
- How did the key stakeholders respond to previous or similar work on these issues?
- How did the media and the community respond in similar circumstances?
- And so on ...

Step 2: Force Field Analysis

Force field analysis is a way of visualising the information that you have gathered in your discussions in the previous step. It can help you visually identify how different forces are helping or hindering the achievement of your work objectives. It shows both supporting and resisting forces, and works on the assumption that security problems might arise from resisting forces, and that you could take advantage of some of the supporting forces.

1. Begin by drawing a horizontal arrow pointing to a box. Write a short summary of your objectives in this box. This will provide a focus for identifying supporting and resisting forces.
2. Draw another box above the central arrow. List all potential forces which could be preventing you from achieving your work objective here.
3. Draw a similar box, containing all potential supportive forces, underneath the arrow.
4. Draw a final box for forces whose direction is unknown or unsure.

Chart 1: Force field analysis for assessing working environment

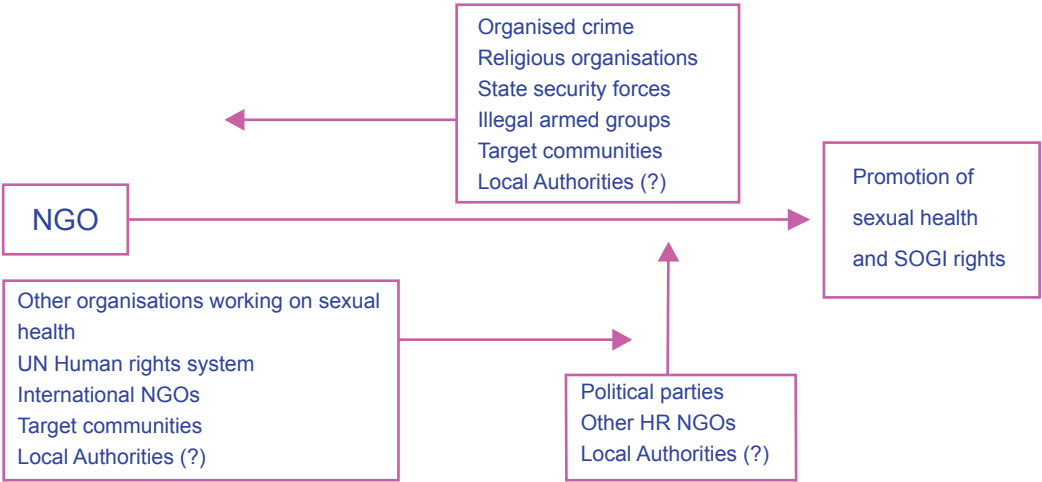


Work objectives

After completing your chart it is time to evaluate the results. Force field analysis helps you to clearly visualise the forces you are dealing with. The goal is to find ways to reduce or eliminate the risk generated by resisting forces, partly through potential help from supporting forces. In terms of the forces of unknown direction, you will need to decide whether to look at them as supporting, or to monitor them continuously in order to detect signs for them becoming either resisting or supporting.

For example:

You belong to an organisation that is working on promoting sexual health and SOGI rights. The organisation has recently opened new offices in a provincial city where traditional societal values are even more pronounced than in the Capital. Your work will involve outreach to local border town communities where the sex industry is well developed. Any attempt in the past at organising sex workers on health issues has been received with hostility and suspicion.



Step 3: Actors (or stakeholders) Analysis

Actors or stakeholder analysis is an important way of increasing the information you have available when making decisions about your protection. It involves, identifying in a more detailed manner, the interests of the different actors or stakeholders involved and the relationships between them.

Primary stakeholders:

When talking in terms of protection, **YOU AND THE PEOPLE YOU WORK WITH ARE THE PRIMARY STAKEHOLDERS**, because **YOU** all have a personal interest in **YOUR** own protection.

Duty-bearer stakeholders:

Those who are responsible for protecting **YOU AND THE PEOPLE YOU WORK WITH** i.e.:

- Government and state institutions (including security forces, judges, legislators, etc.)
- International bodies with a mandate that includes protection, such as some UN bodies, regional IGOs, peacekeeping forces, etc.
- In the case of opposition armed actors, they can be held accountable for attacking defenders (as the civilian population they are), specially when these actors control the territory.

Key stakeholders:

Those who can significantly influence the protection of **YOU AND THE PEOPLE YOU WORK WITH**.

They may have political influence or the capacity to put pressure on duty-bearer stakeholders who do not fulfil their responsibilities (such as other governments, UN bodies, ICRC, etc), and similarly some of them may be often directly or indirectly involved in attacks and pressure against defenders (such as private corporations or the mass media or other governments also). Everything depends on the context and interests and strategies of each of these key stakeholders. A non-exhaustive list could include:

- UN bodies (other than mandated ones).
- The International Committee of the Red Cross (ICRC).
- Other governments and multilateral institutions (both as donors and policy-makers).
- Other armed actors.
- NGOs (either national or international).
- Clergy and Religious organisations.
- Private corporations.
- The mass media.

A stakeholder analysis is important to understand the following:

- Who is a stakeholder and under what circumstances their “stake” counts.
- The relationships between stakeholders, their characteristics and interests.
- How these will be affected by the activities you employ to ensure protection.
- Each stakeholder’s willingness to become involved in those protection activities.

A major difficulty with establishing which strategies and actions are being undertaken by stakeholders is that the relationships between them are not clear-cut. Many duty-bearer stakeholders, particularly governments, security forces and armed opposition groups, cause or contribute to human rights violations and a general lack of protection of human rights. Some key stakeholders, who would normally share similar concerns as YOU over protection, may also have competing interests, for example other governments, UN bodies and NGOs. These factors produce a complex picture of your working environment as a whole.

Stakeholders are not static actors. They relate to each other at multiple levels, creating a dense web of relationships. In order to improve your protection, it is important to highlight and pay attention to these relationships and understand how they are structured.

The State, for example is a set of actors that very rarely as a unified strategy or agenda when it comes to human rights. National human rights institutions are very often critical of the policy of the security forces and the government ministries that are supposed to control them. Talking of “State Policy” can often blind us to possible alliances within the State structure that can support us and even contribute to our protection. Differences can even exist between national and local level offices of the same State institution. Sometimes where “state policy” is seen to disregard our rights we can find individuals working within those structures very committed to SOGI rights and LGBTI defenders protection. **Go back to the Force-Field Analysis and try and place “Local Authorities”.**

Decisions and actions taken by these different structures, with the aim of developing policies and strategies take place over time i.e. they become a process. These can be legislative processes, cultural processes and policy-making processes. It is common for many of these processes to be in conflict with one another rendering both ineffective. For example the Judiciary working with the national human rights institution, NI might begin a process to domesticate human rights provisions enshrined in international law, minority religious groups might begin a process to ensure the respect not only of their religious rights but of its practices and laws. These two processes might come into conflict as one promotes the universality of international law and the other cultural relativism. Both processes are based on what each actor considers being morally right. The outcome of the conflict will stall the creation and implementation of domestic law that prevents violations being carried out.

There are a number of ways to do a stakeholder analysis. The following uses a straightforward methodology, which is the key to getting good results in the analysis and decision making process.

When assessing protection it is important to look at it with an adequate time perspective and always take into account the interests and objectives of all stakeholders involved.

A stakeholder analysis:

1. Identify the wider issues that impact on YOUR security- you have done this in step one- Asking Questions (i.e. the security situation of LGBTI human rights defenders in a given region within a country).
2. Identify the stakeholders? In the previous force field analysis you have already identified the stakeholders.
3. Investigate and analyse the stakeholders' characteristics and particular attributes, such as responsibilities in protection, the power to influence the situation, aims, strategies, legitimacy and interests (including the will to contribute to YOUR security).
4. Investigate and analyse relationships between stakeholders.

In undertaking this analysis, you may wish to use a matrix like the following.

Place the list with all stakeholders relevant to the context- established in Step One in a matrix (see following Chart): Repeat the same list in the first column and along the first row. After this, you can begin with step three of the stakeholder analysis by:

Analysing the characteristics of each stakeholder (aims and interests, strategies, legitimacy and power), fill in the boxes in the diagonal line where each stakeholder intersects with itself:

For example:

You can place the aims and interests and strategies of state security forces in box "A".

To analyse the relationships between stakeholders, fill in those boxes that define the most important relationships in relation to YOUR context, for example, the one which intersects between the army and the Office of High Commissioner for Human Rights (OHCHR), in box "B", and so on.

After filling the most relevant boxes, you will have a picture of the aims and strategies and interaction among main stakeholders in relation to YOUR context.

Note: pay particular attention to words that arise in the discussion such as "need" or other words that imply dependency of one actor on another. If the Military, for example, are present in political life and the threat of a coup is never far away, the Government may "need" to keep them content by not drafting laws that will in effective bring an end to impunity in the Country. Doing so would affect the Military's power and interests leading to actions taken by the Military to bring down the government. Likewise during the run up to election, Governments and opposing political parties wishing to capture the conservative vote might be willing to discuss and adopt laws, sponsored by the religious right against their LGBTI citizens.

Chart 2: A matrix system for stakeholder analysis

	STATE SECURITY FORCES	ILLEGAL ARMED GROUPS	ORGANISED CRIME	TARGET COMMUNIT- IES	NATIONAL HUMAN RIGHTS NGOs	RELIGIOUS ORGANISA- TIONS	POLITICAL PARTIES	UN HUMAN RIGHTS SYSTEM	INTER- NATIO- NAL NGO
STATE SECURITY FORCES	(stake- holder)								
ILLEGAL ARMED GROUPS		(stake- holder)							
ORGANISED CRIME			(stake- holder)						
TARGET COMMUNITIES									
NATIONAL HUMAN RIGHTS NGOS					(stake- holder)				
RELIGIOUS ORGANISATIONS						(stake- holder)			
POLITICAL PARTIES							(stake- holder)		
UN HUMAN RIGHTS SYSTEM								(stake- holder)	
INTERNATIONAL NGOs									(stake- holder)

FOR EACH STAKEHOLDER:

- aims and interests
- strategies
- legitimacy
- power

INTERRELATIONSHIP
BETWEEN STAKEHOLDERS :

(interrelationship in relation to the protection issue and in relation to strategic issues for both stakeholders)

Step 4: Developing Scenarios

At this stage once you have moved from asking yourself questions about your environment, wondering why certain events are taking place for example and looked at what forces might support you in reaching your objectives and those that will try and prevent you from carrying out any human rights work, and you've mapped the relationships between those forces you can begin to develop possible scenarios on which to plan your security and protection activities.

Again it is important that discussions are inclusive as possible in developing these scenarios in order to understand your working environment or context.

Develop three scenarios: A, B and C

Your analysis at this stage will include those issues that affect your security that have not changed in over the last six months to a year and are therefore not likely to change in the next six months. For example: Conservative, religious groups maintain a hostile attitude towards SOGI rights. **These are constants.**

Constants do not change in any perceivable way nor are they likely to change in the near future without radical social upheaval.

And you will have identified things that have changed significantly in the last six months to a year and that are likely to continue to change. These are variables.

In periods of transition from armed conflict to democracy you might find yourself identifying more variables than anything else. For example: Reform of the State institutions, especially the judiciary could affect the work of LGBTI Community. You as yet don't know how this will affect your work and outcomes can vary.

Variables are happenings in your environment that are either constantly changing or due to a wider political process are undergoing a period of transition.

Develop first Scenario A, the positive scenario where all the variables turn out in your favour or as benefiting the organisation and its activities. For instance if we take the example from above reforms to state institutions in this scenario this would mean recognition of SOGI rights and protection from the law being established in the long term and in the short term better access, as in this case to the justice system, for LGBTI cases.

In your group think of all the possible positive outcomes of these variables and begin along with the constants to build a picture of your environment at its most positive.

Then develop Scenario C, the negative scenario where all the variables turn out against you or as having an adverse affect on your organisation and its activities. Using the same example, reform of state institutions, in this scenario political pressure and predominant societal values will have a negative influence on any reforms that take place and done nothing but ensure a continuation of the status quo. In the short term the situation for SOGI rights will not improve in fact the situation could deteriorate as the failure

to reform the institutions gives increased impetus to those who refuse to recognise SOGI rights.

Again the idea in your group is to think of all negative outcomes of these variables and develop a worst case scenario.

Then go on to develop Scenario B, a scenario where due to lack of information or historical precedent or experience the outcomes of these changes are not that easily mapped. The outcomes could either have a positive or a negative impact on the work of your organisation. This scenario will often contain both. Using the same example, reform of the judicial system we can begin to develop this scenario.

The outcome of the reforms or the transitional period might give more space to SOGI rights leading to the courts recognising the legal status of transgender people for example. However the political influences that remain in state institutions do not respond to the courts attempt at constitutional amendments leaving SOGI rights in limbo, i.e. though recognised by the courts due to the prevailing necessity for change post conflict, the recommendations made are not acted upon. In general the situation remains the same but small positive changes are made. This scenario is often the most realistic.

As a rule of thumb whenever there is doubt as to which scenario is most representative of the current and midterm situation ALWAYS develop your security plans according to the worst case scenario, i.e. Scenario C.

Chapter Three

Assessing risk: threats, vulnerabilities and capacities

In this chapter we will look at the concepts of threats, vulnerability and how to use our capacities in order to improve our security. We will look at practical tools in order to carry-out a risk assessment of our organisations again vital in the development of our security plans.

Risk analysis and protection needs

There is no widely accepted definition of risk, but we can say that risk refers to possibility of being harmed because of the work we do, who we are and the degree to which we are visible as a member of the LGBTI community.

As defenders your work can have a negative impact on specific actors' interests, and this can in turn put you in danger. It is therefore important to stress that in certain countries and environments this danger or high level of risk is an inherent part of our lives.

The concepts behind "risk" can be broken down in the following way:

Analyse main stakeholders' interests and strategies (working environment see Chapter Two) → Assess impact of defenders' work on those interests and strategies → Assess threat against defenders → Assess vulnerabilities and capacities of defenders' regarding those threats → Establish level of Danger/Risk.

In other words, the work we do as a defender may increase the level of risk we face unless it is properly managed through security planning.

In any given situation, everyone working on human rights may face a common level of danger, but not everyone faces the same level of risk i.e. not everyone is as vulnerable to being harmed just because they are working in the same environment. Vulnerability - the possibility that we or our group will suffer an attack or harm - varies according to several factors.

An example:

There may be a country where the Government poses a general threat against all kinds of human rights work. This means that all defenders could be at risk. But we also know that some defenders are more at risk than others; for instance, a large, well established NGO working on civil and political rights will probably not be as vulnerable as a small NGO carrying out work on SOGI rights. Common sense, but it can be interesting to analyse why this happens in order to better understand and address the security problems of both mainstream and non-mainstream defenders.

The level of risk facing a group of defenders increases in accordance with threats they receive and their vulnerability in the face of those threats presented in the following equation:¹⁵

$$\text{RISK} = \frac{\text{THREATS} \times \text{VULNERABILITIES}}{\text{CAPACITY}}$$

Threats represent the possibility that someone will harm somebody else's physical or psychological integrity or property through deliberate and often violent action.

Defenders can face many different threats in any given context, including targeting, common crime and incidental threats.

The most common type of threat – targeted/ Direct – aims to hinder or change a group's work, or to influence the behaviour of the people involved. Targeting is usually closely related to the work done by the defenders in question, as well as to the interests and fears of the people who are opposed to the defenders' work. Visibility as an LGBTI defender or organisation can often generate threats not only from the wider society and State forces but also from private actors such as family members who don't necessarily want the "neighbours talking".

Targeted/ Direct Threats always have an objective

Defenders may face the threat of common criminal attacks, especially if their work often involves working in areas considered dangerous for example carrying out outreach and sexual health activities at night in areas often associated with organised crime or "immoral" behaviour especially where prevailing middle class attitudes of respectability often give the police license to use repressive measures.

Note: Many cases of attacks on LGBTI defenders are carried out under the guise of being 'ordinary' criminal incidents or in response to the proliferation of criminal activities.

¹⁵ Adapted from Van Brabant (2000) and REDR

Incidental threats, in the main, arise from potential harm being caused by working in the areas of armed conflict, participation in demonstrations that become violent and from situations of civil unrest, **‘being in the wrong place at the wrong time’**. This applies specially to defenders working in areas occupied by or being disputed by armed actors or areas with presence of organised crime or gangs, common criminal attacks, because defenders work brings them into risky areas i.e. outreach activities at night. Many cases of “targeting” are disguised as ‘ordinary’ criminal activity.

A summary of the 3 kinds of threats

1. Targeted (declared threats, possible threats): threats due to your work/visibility.
2. Threats from common criminal attacks or police response to criminal activity.
3. Incidental threats arise from the potential harm caused by fighting in armed conflicts, violent demonstrations and periods of civil unrest.

Vulnerabilities:

Vulnerability means the degree to which people are susceptible to loss, damage, suffering and death in the event of an attack. This varies for each defender or group, and changes with time. Vulnerability is always relative, because all people and groups are vulnerable to some extent. However, everyone has their own level and type of vulnerability, depending on their circumstances. Let’s see some examples:

Vulnerability can be about location. For example, a defender is usually more vulnerable when they are out on the road during a field visit or carrying out outreach activities at night than when they are at a well known office where any attack is likely to be witnessed.

Vulnerabilities can also include lack of access to a phone or to safe ground transportation or to proper locks in the doors of a house. But vulnerabilities are also related to the lack of networks and shared responses among defenders.

Vulnerabilities may also have to do with team work and fear: A defender that receives a threat may feel fear, and their work will be affected by that fear. If they have no proper way to deal with fear (somebody to talk to, a good team of colleagues, etc) chances are that they could make mistakes or take poor decisions that may lead to more security problems developing.

Defenders belonging to the LGBTI community and working in the “mainstream” and who are not out to their colleagues could face real difficulties in dealing/ coping with threats directed at them because of their “private life”. Extortion could put the whole organization at risk and we need to find a way of ensuring that our working environments are as supportive as possible.

What is important to note is that vulnerabilities belong to us or our organisation in relation to the threats we receive. We should not confused vulnerabilities with threats; threats are external and are directed at us.

Capacities:

Capacities are the strengths and resources a group or a defender can access to achieve a reasonable degree of security. Examples of capacities could be having been trained in security or legal issues, an understanding of your rights as the LGBTI community, a group that works together as a team, access to a phone and safe transportation, to good networks of defenders, to a proper way of dealing with fear, etc.

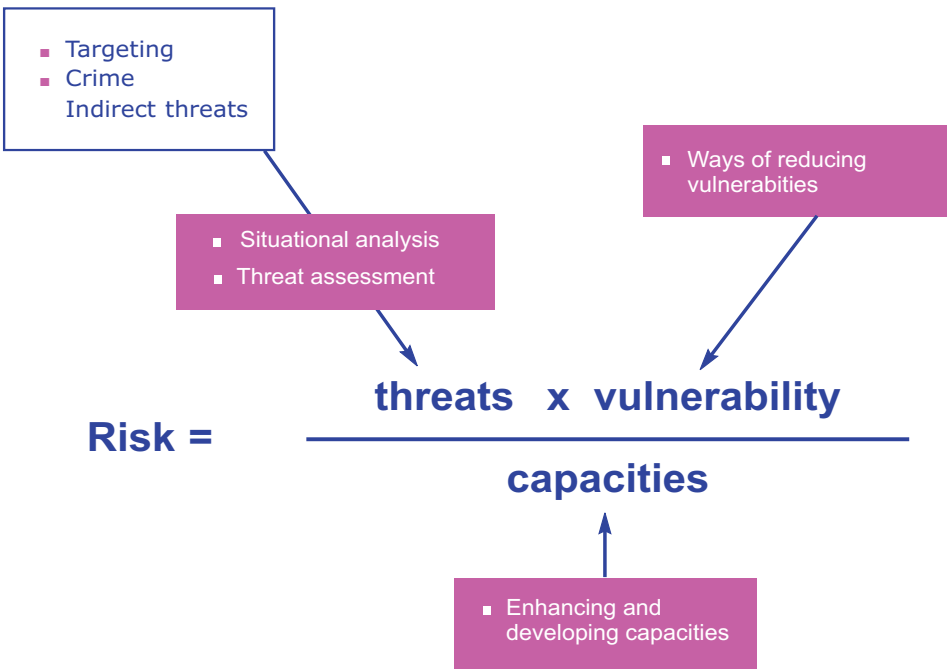
The risk created by threats and vulnerabilities can be reduced if defenders have enough capacities (the more capacities, the lesser the risk).

$$\text{Risk} = \frac{\text{Threats} \times \text{Vulnerability}}{\text{Capacity}}$$

In summary, in order to reduce risk to acceptable levels -namely, to protect yourself and others- you must:

Reduce the possible impact of the threats you receive by:

- Assessing the threats you receive and acting on the vulnerabilities of your opponents.
- Reduce your vulnerabilities in the face of these threats and in general
- Increase both your capacity for physical security and for protection.



Ways of reducing vulnerabilities Situational analysis Threat assessment.

Enhancing and developing capacities:

The level of risk is dynamic that changes over time and with variations in the nature of threats, vulnerabilities and capacities. This means your level of risk must be assessed periodically, especially if your working environment, threats or vulnerabilities change. For instance, vulnerabilities can also increase if a change of leadership leaves a group of defenders in a weaker position than earlier. Before undertaking new activities why not carry out a risk assessment.

The level of risk increases dramatically with a clear and direct threat. In such cases, it is not perhaps not wise to try to reduce the level of risk by increasing capacities, because the process of developing capacities take time and you may need to take immediate though carefully planned action.

Security measures, such as legal training or protective barriers, could reduce the level of risk by reducing vulnerability factors. However, such measures do not confront the threats or the will to carry them out, especially in situations where perpetrators know they are likely to go unpunished. Security plans should aim to reduce vulnerability in the face of threats, in addition to reducing general vulnerability and enhancing capacity.

An example:

A small group of defenders are working on rights to sexual health and SOGI rights in a small provincial town. When their work starts affecting the interests of local political/religious leaders they receive a clear threat that they will have their licence revoked by the local administration. If you apply the risk equation to their security situation, you'll see that the level of risk these defenders face is very high, above all due to the threat of effectively being shut down. If you want to reduce that level of risk it is probably not the moment to start changing the locks on the door of the office (because the threat is not related to a break-in at the office), nor the moment to buy a cell phone for each defender (even if communication might be important to security it is unlikely to be enough if the organisation is going to be closed down). In this case, a more relevant strategy would be to work on networking and generating political responses to directly confront the threat (and if that is unlikely to be effective quickly the only way to reduce the risk significantly might be to reduce the organisation's exposure, perhaps through temporarily suspending activities – being able to suspend activities, carry out advocacy and reopen the office at a later date is also a capacity).

Vulnerabilities and capacities, as well as some threats, may vary according to gender, age, experience and visibility. You therefore need to break down your findings accordingly.

Vulnerabilities and capacities assessment

Designing a vulnerability and capacities assessment for a given group (or person) involves defining the group itself (a community, collective, NGO, individuals, etc), the physical area where it is located and the context you are working in (your vulnerability profile will change and evolve over time as the context changes). Then you can proceed to assess vulnerabilities and capacities.

Please note: The vulnerabilities and capacities assessment must be seen as an open-ended activity aimed at building on existing information to maintain an accurate picture of a constantly evolving situation.

When assessing capacities, it is important to establish what the actual current capacities are instead of listing potential, desirable ones.

Resist the temptation to draw up a shopping list of desired capacities base them on real, existent ones.

Dealing with the danger after doing a risk assessment

Once your risk assessment has been done, you need to look at the results. As it is impossible to measure the “amount” of danger you are facing, you need to establish an understanding of what the level of risk is.

Different defenders and organisations may estimate different levels of risk. What is unacceptable for some defenders can be acceptable for others, and the same can be said for people within the same organisation. Rather than discussing what “must” be done or whether you are prepared for going ahead with it, people’s different thresholds of danger must be addressed: You must find a commonly acceptable threshold for all members of the group.

That said, there are different ways of dealing with danger/risk.

- You can accept the level of risk as it stands, because you feel able to live with it.
- You can reduce the level of risk, by working on threats, vulnerabilities and capacities.
- You can share the danger/risk, by undertaking joint actions with other defenders to make potential threats to one defender or organisation less effective.
- You can choose to avoid the danger/defer the risk, by changing or stopping your activities or changing approach to reduce potential threats.
- You can escape risk by reducing or stopping your activities (in some cases, it might imply going into exile)¹⁶
- You can ignore the danger, by looking the other way. Needless to say, this is not the best option.

¹⁶ Note: cases have arisen where extended family networks have meant that even in exile LGBTI defenders cannot avoid danger or risk.

Bear in mind that the levels of risk are usually different for each of the organizations and individuals involved in a human rights case, and that attackers usually tend to hit in the weakest parts, so that you have to pay attention to these different levels of risk and take specific measures.

For example,

let's look at a case of a member of the LGBTI community detained and tortured by local police. There may be several organizations and individuals involved in the case, such as a lawyer from the capital city, a local LGBTI organisation and witnesses (sex workers also arrested by the police in the same “clean-up” operation). It is important to assess the different levels of risk of each of these stakeholders in order to plan properly for the security of each of them.

Person	Threats	Vulnerabilities	Capacities
Victim	Torture, custodial rape, sexual harassment, forced to sign false confession, prosecution, public outing.	1. Lack of understanding of judicial process and rights. 2. Internalized homophobia/transphobia leading to feelings of “I deserve it”. 3. Fear of public outing. 4. Dependent economically on family/ lack of personal resources. 5. Lack of education. 6. lack of safe house provisions from the State once released from detention.	1. connection to LG-BTI organization. 2. friends from the LGBTI community who could offer support.
Level of risk for the victim is high.			
Sex worker/ witness	Torture, custodial rape, sexual harassment, forced to sign statement implicating victim in criminal activity.	1. Lack of understanding of judicial process and rights. 2. Lack of education. 3. lack of safe house provisions from the State once released from detention.	1. own income. 2. support from LG-BTI organization and lawyer.
Level of risk for the witness is medium to high.			
Organisation	Loss of reputation, stigmatization through association with “common criminals”, attack from Police if they pursue the case.	1. no legal team relying heavily on external lawyers who may not understand context and issues. 2. lack of resources to pursue case. 3. lack of experience in developing security measures and protection mechanisms. 4. lack of understanding of legal measures.	1. connections to national organizations working on SOGI rights. 2. ability to mobilise local support. 3. support from target groups through sexual health programmes. 4. minimal support from local administration office.

<i>Level of risk for the local organisation is medium to low (note: if the arrest took place to gain more information about the organization and possibly damage their image the level of risk could increase due to the vulnerabilities of the victim and witness)</i>			
Lawyer	Agression if case develops against the police.	1. capital based does not understand the local context with little idea of the local politics and relationships between actors. 2. limited time to spend on traveling to region.	1. understanding of legal process and human rights. 2. Capital based with good reputation. 3. connections with other mainstream human rights organizations working on torture. 4. profile with embassies and diplomats.
<i>Level of risk for the City Lawyer is low</i>			

Having established the different levels of risk for each of the people or organizations involved to proceed with the case it would be advisable for all to combine efforts and concentrate on reducing the level of risk for the victim and witnesses. That is done through careful step by step planning and always in consultation with the victim and witnesses if the lawyer or the local organization can gain access to them in the detention centre. If torture is a very real threat then qualified and impartial medical experts will also have to be brought in as soon as possible.

Note: if there is a fear of “public outing” or even “outing by association” then steps must be taken by the organization and the lawyer not to re-victimize the victim. Often in our rush to support people from the LGBTI community we can forget that perhaps publicity in some cases will do more damage to the victim in the long term than good.

Chapter Four

Organisational image

In this chapter we are going to look at how our individual behaviour, that of our organisation can impact on the security that we as defenders may enjoy. We will also look at some examples that it is hoped you will discuss in your organisations with an aim to, if not finding solutions, at least begin to look at how are own attitudes are important when developing security plans.

Image and tolerance:

How your organisation is perceived by other actors can have an impact on your security. Being aware of security issues means that you have to be aware of how other people, organisations and institutions perceive you and your organisation and the work that you are doing. Our public discourse, our behaviour and our form of dress can impact on how we are perceived by others.

In a conservative society our actions can impact negatively on our security. Being considered outsiders, different from societal norms and more importantly being perceived as flouting cultural norms may jeopardise personal and organisational security.

Understanding how your organisational activities might be perceived by target groups, wider society and State authorities or non-state or private actors are of vital importance to developing effective security plans and protection measures:

For example,

There is little point relying on the wider human rights community to support your cause, however justified, if your actions both organisational and personal are considered embarrassing by them. Issues such as wide spread torture can often provide a platform for the inclusion of SOGI rights in the mainstream agenda but this takes time and discussion and is often hampered by the way the wider human rights community perceive us.

How to counter act negative image campaigns:

Other people, organisations and institutions will create an image of your organisation to suit their own purposes. In the most cynical of situations those wishing to stop your organisational activities will construct a negative image of both your work and use your behaviour, dress, in fact anything at their disposal to damage your image ensuring that no one will come forward to support you in the event of legal or any other form of attack.

Where there is no wide public understanding of the organisations aim and objectives or where the very work being carried out challenges socio-cultural norms these negative campaigns are easily implemented and with greater results. Where an organisation has invested in dissemination and a broad public relations exercise, has a good working relationship with its target groups, such campaigns to damage image will have less effect and more often than not demonstrate clearly the political objectives of the perpetrator. Security therefore can be enhanced by cultivating good relationships with a broad range of people and organisations. This does require conscious, complementary pro-active efforts on the part of the management and staff.

Speaking to the Media:

In many countries where same-sex activity is still criminalised and where binary interpretations of sex and gender prevail fair and impartial representation in the media is not a common event. Rather we have come to understand the media as representations of the wider society that continues to deny us our rights and discriminate against us. Here we would like to give some ideas of how to address the media to reduce the risk of what we are saying being misinterpreted and used against us. This by no means constitutes a comprehensive media strategy but ties in with this chapter on how we project ourselves to a wider audience.

The consequences of negative media campaigns is that we can often find ourselves catapulted into the “limelight” at any given moment whilst it is advisable to take time to prepare a public statement within our organisation we are not always presented with that opportunity and have to prepared to defend both our own reputations and that of our organisations.

Having a sound knowledge of our organisation’s mandate and activities will help if caught “off-guard”

In an environment where the media are not predominantly hostile an organisation could prepare itself along the following lines:

- Usually the spokesperson is carefully selected and constantly prepared before the need to speak arises and is familiar with media techniques.
- the organisational spokesperson, knows the subject matter and can connect with audience:
- This same person serves as a resource for the media providing reliable facts, figures, and quotes. Known media contacts should be able to reach this person at all times especially as deadlines draw near.

Unfortunately this for most of us isn't the case as the media are hostile and looking to "trip us up", invade our privacy and out our friends. Recently at a party in Kenya the media took photos and published a printed article about the party and the attendees. The article appeared after a week of high profile LGBTI activities in the Capital. Should we have expected such attention over our activities? Can we really say the outing in the press the next day was a total surprise?

Bills either to criminalise or decriminalise being promoted in national parliaments, public disclosure of threats received by LGBTI organisations, celebration of "marriage" ceremonies etc. can generate increased interest from the media and we have to assume that its it not for positive reasons. Proceed on a Worst Case Scenario basis. All of us then need to be prepared as the likelihood that the media will contact members of our communities other than those prepared with arguments is very high. If they want gossip they aren't going to call the executive director. They are going to call US. If we can direct them to someone else but if they are not going to go away there are things we can do:

What WE can do:

- Share information: ensure everyone knows what to say and is aware of the major issues.
- Practice by posing the kind of difficult questions a reporter might ask and coming up with answers
- Be sure that you stay on the message. If you have a personal story you could share with media, practice it to ensure that it can be presented in a concise and persuasive manner. CHECK EVERY PERSONAL STORY WITH OTHERS TO MAKE SURE.
- Practice responding to questions to which you might not know the answer or to which you don't want to answer.
- Develop "bridge" phrases that can lead you back to delivering your original message.

Delivery:

- Believe in what you are saying
- Deliver your message with authority-take a depth breath and relax before speaking
- Continue with YOUR message no matter what the interviewer asks.
- Don't necessarily answer the questions exactly as they are posed. Turn the interviewer's questions into an opportunity to deliver YOUR message.
- Be concise and to the point. Don't try to explain everything.
- Pitch your message for the intended audience. Put their interests first and provide information that politely explains the "limitations" of their view point
- Keep a positive attitude; show your enthusiasm and commitment for our cause-Human rights.
- Don't exaggerate, lie or mislead. Be able to back up all your statements with facts. Be reliable.
- During a taped interview, remember mobiles can record voices, speak in

“sound bites”. A sound bite is a recording of your words, usually 7-12 seconds, taken from the interview and used in the news piece. If you want what you are saying to represent your organisation and not your personal opinion remember to repeatedly name of your organisation so that once edited the name of your organisation is included.

“Surprise calls”:

- When reporters call, don't speak to them but ask them to either call another person or call back another time.
- Remember there is no such thing as “off the record”
- Asking to review the draft of the story is practically useless-don't bother.
- Don't share anything that you don't want to see in print or hear on the radio or see on the TV. If you ask for something not to be published you can guarantee that is what they will use.

Don't:

- Argue or attempt to embarrass the reporter
- Demand your remarks not be edited
- Demand they omit your answers
- Repeat the reporters inflammatory or emotional words
- Assume the reporter is right: if YOU don't know, say you will verify
- Make jokes, use jargon, give personal opinions or show off.
- Out people

Beware of:

- Machine gun questioning
- Either A or B answers
- Microphone/ recorder/ mobile phone being left in your face after you have finished speaking

As we explained these are not suggestions for a comprehensive strategy to work with the media. Your security plans need to define objectives and activities to be carried out in order to limit the media's capacity to prevent us from reaching our aims and goals. The above represent some “handy hints” as to how to handle the media when we get caught off guard. Media attention should never come as a surprise.

Anti-sodomy or unnatural sex acts can be used to both defame and attack organisations working on LGBTI rights.

Turkey: Respect LGBT people's right to freedom of Association 3 July 2008

A local court in Istanbul ordered the closure of the Turkish lesbian, gay, bisexual and transgender solidarity organization, Lambda Istanbul. The court ruled on 29 May in favour of a complaint by the Istanbul Governor's Office that Lambda Istanbul's objectives were against Turkish "moral values and family structure". An appeal challenging this ruling is currently pending.

In recent years provincial governorships in Turkey have similarly targeted organizations working to promote the rights of persons of diverse sexual orientations and gender identities. For example, in September 2005, the Ankara Governor's Office accused the Ankara-based group KAOS-GL, a gay and lesbian cultural research and solidarity organization, of "establishing an organization that is against the laws and principles of morality".

Similarly, in August 2006, the Ankara Governor's Office attempted to close the human rights group Pembe Hayat (Pink Life), which works with transgender people, claiming that the association opposed "laws and morality". In both of these cases, however, prosecutors dropped the charges.

<http://www.amnesty.org/en/appeals-for-action/turkey-urged-respect-lgbt-right-freedom-of-association>

Image and tolerance

As an organisation ask yourselves these questions?

1. What is the organisational mandate? How widely is this understood by all staff members and volunteers? Does the organisation have specific induction programmes established for new staff members?
2. What is the organisational specific mission or objective? Again how widely is this understood by all staff members? Are there any associate groups, that perhaps have different mission statements or objectives? How is this explained to the general public? Are these mission statements posted on web pages for example?
3. Are the activities of the organisation distinguishable from the work of other organisations? If so does this impact negatively or positively on the security of the organisation and staff?
4. Does the perception of the organisation by other people, organisations impact on its security? In what ways? In answering this question include

both resisting and supporting forces established in developing an understanding of your political environment. Particular attention should be given to how you are perceived by the people/organisations that you know little about i.e. you don't know if they are supporting or resisting :

For Example:

Members of your organisation have been invited to attend a conference. During the conference one of your representatives takes a liking to one of the waiting staff. They are of a similar age and social background but there is one main difference, one is a guest in the hotel and the other an employee. How would any advances made towards the waiter whilst on duty be perceived, firstly the waiter and secondly the hotel management? What about the conference organisers how are they going to perceive any advances made by one of the delegates they invited towards a member of staff? What kind of image does this portray of the organisation if one of their representatives is perceived as sexually harassing an employee of the conference venue?

Cultivate tolerance to obtain access and security, as well as to establish a reciprocal, relationship with your neighbouring community and target groups.

Some common perceptions of the LGBTI Human rights movement and suggestions as to how to address them:

Promiscuity/ sexual licence:

A young gay defender complained of things being stolen from his room by the men he invited back for casual sex. He has no money to take them to a hotel and does see the possibility of having his work mobile or work documents he has taken home to study stolen as a real threat to his organisations security. Telling him not to invite other men back is not really going to resolve this issue as it will continue and if anything does go missing then it is likely the defender will not report it due to fear of reprisals. Having a locked cabinet or trunk where work documents and mobiles could be placed and the key kept in a safe place would be a better solution. Locking the door to the room and seeing the invitee out could also prevent things from being stolen. Security is about practicality not idealism.

Common perceptions of LGBTI organisations are that the workers are often sexually promiscuous. In societies controlled by an urban middle class/ upper caste notion of respectability where sex is a taboo subject open displays of affection between people of

the same sex, openness about sexual activity and high numbers of sexual partners can lead to security problems. If cultural norms are based on monogamous heterosexual partnerships-marriage the perception that LGBTI people are flouting this norm can often cause friction with wider society. Of course if equality really existed and discrimination a thing of the past our sexual practices, as long as they are consensual, would not come under scrutiny. The simple fact is that in a world that is not ready to accept us as equals we have two choices to reject the heterosexist norms and continue as we are or employ strategies that will eventually gain us acceptance from wider society. Same-sex marriage has been considered by some as a tactical move towards this wider acceptance. As individual defenders and organisations working to bring an end to discrimination and promote rights to freedom of expression and choice we have responsibility to ensure our agenda is accepted by the wider society being perceived as “flouting” societal values can often prove to be a barrier to this and our agenda will remain marginalised.

Example for discussion:

On being shown around the new office of a particular organisation working on SOGI rights the visitors noticed a used condom on the floor of one of the training rooms.

Points to guide the discussion:

- What kind of image does this portray of the organisation?
- What might be the reaction of international donors if they were to see that?
- For an organisation that is trying to create an image of being a serious human rights organisation what could this mean security wise?
- When challenged the response from some of the defender's were that it was planted there to damage the organisation. If this is true then what does this tell us about the capacities of those wishing to carryout an aggression against us?

Corruption of Minors:

The law of consent for homosexual acts (mainly concerned with men who have sex with men, MSM) has been the subject of much discussion in many countries and homosexual or “unnatural acts” are often illegal in many nations. Reports in the media then of older men approaching younger men and teenage boys can stir anti-gay feelings and lead to repercussions. There exists in most societies the idea that young men and boys are corrupted into a life of homosexuality an idea that ignores any notion of the individuals' right to freedom of choice. This argument can often be used by the families of sons and daughters who experience problems with coming to terms with their child's sexuality. Reiterated in the media and through mechanisms of popular culture this idea is potentially damaging. The ongoing debate surrounding the differences in legal ages of consent would suggest that the wider heterosexual community, even where same

sex relations are legalised and protected by the law still consider male homosexuals as predators. Ask yourself the question whether wider society really draws a distinction between us or whether they will look for the lowest common denominator with which to “tar” us all?

Example for Discussion:

Recently a religious pro-family organisation orchestrated a media campaign against prominent LGBTI defenders. Many were “outed” in both print and television. Much of the slander concentrated on the “threats” these people posed to the institution of the family and to the young people these defenders associated with as many were employed in the teaching profession.

Points to guide the Discussion:

- What immediate measures need to be put in place in order to guarantee the security of those publicly outed?
- What could be done to respond to the negative images portrayed in the media of LGBTI defenders?
- What long term objectives could be developed to prevent such campaigns having such a damaging affect in the future?

Immoral Activities and Values:

Due to societal pressure and discrimination and lack of employment opportunities members of the LGBTI community are often forced to work in the informal sector, more over they are often found working in the sex industry. An industry whose opening hours are usually at night and often in areas associated with common crime, drug and alcohol abuse and sexual licence. The perceptions then that the LGBTI organisations condone, in some form or another, these anti-social and criminal activities are wide spread. The presence of LGBTI people in these areas whether there for legitimate work or other purposes unfortunately gives ground to this argument. This is especially the case when outreach workers by day are often sex workers/ performers by night.

The issue is how to differentiate between the legitimate work of the organisation and the common perceptions that society holds about both immoral practices and these particular areas of cities frequented by anti-social elements. Those with a negative attitude towards the activities of the organisation will associate it with the organisation’s high risk and often ostracised target groups and there activities.

Example for discussion:

Outreach workers from a particular organisation working in the red light area of a large city are arrested by the local police. When the organisation complains to representatives of the international community who take up the case and ask the police for clarification the police respond by saying they were arrested whilst engaged in illegal sexual practices in a

public place not because they were carrying out legitimate human rights work.

Points to guide the discussion:

- Avoid standard answers that the Police are not telling the truth instead try and establish why the police would feel confident in responding this way?
- Try and establish why the international organisation would tend to believe the police over the organisation implicated in the case.
- If there is doubt as to who is telling the truth why is that?
- What can the organisation do in practice to prevent such responses from the police being taken as truth in the future?

Threatening to the wider heterosexual, gender normative societal values:

Patriarchal societies, religious systems etc are systems of control that feel threatened by anything or anyone that is seen to challenge norms. Neo-liberal and socialist societies, backed by religious doctrines and founded on notions of respectability are very often repressive towards deviancy not because of the nature of the deviancy but simple because it does not 'fit' the "modernist" model designed for social development or nation building. Sexual "deviancy", variations of sex and non-normative gender behaviour are regarded as threatening. Our agendas oppose the status quo and therefore leaves room for dissent from carefully constructed ideologies. Countries emerging from colonial rule have denied their historical LGBTI traditions and condemn homosexual and transgendered behaviour as influences from the colonial powers. What is of importance here is that those who wish to label deviant sexuality and non-normative gender behaviour as subversive often have unlimited access, if not control of the country's media and uses this control to highlight the actions of LGBTI groups in order to gain support with the more reactionary elements of society. In situations of civil unrest and armed conflict rigid societal norms are often imposed by either side, adhering to the predominant patriarchal societal values that exclude any divergence from that norm and punish it with often draconian measures.

Example for discussion:

In some cultures the existence of transgender or non-normative gender behaviour is accepted under certain circumstances. In various countries transgendered people have played an historical role not only in the courts of royalty but as entertainers. In England the custom of "cross-dressing" for entertainment purposes is widely accepted both in the form of pantomime and now even on television though it is strictly limited to comedy and satire. Can this obvious social role for non-normative gender behaviour be extended to the promotion of safe sex and SOGI rights? If it can then

how? If it cannot what strategies need to be developed in order to secure the right to freedom of expression? How can we convince the wider human rights community that it is a serious issue and not just “a man in a frock”?

Points to guide the discussion:

- The discussion should not concentrate / should concentrate on how wider society perceives the idea of transgender.
- Is this to do with a lack of understanding on the part of wider society that still regards transgender as a transitional phase between one and the other?
- As in the case of British popular entertainment how do we deconstruct the almost clownish approach to “cross-dressing” and begin to construct one that encompasses a more serious regard for human rights?

Divisions within the LGBTI movement:

We have all experienced the negative effects of discrimination and a lack of equality before the law. Whilst we can claim lack of equality and discrimination against the LGBTI community as our common agenda we have to leave room for the collective experience of each of our different groups “umbrellered” under the LGBTI “logo” and perhaps even more importantly the very personal experience of that discrimination of the individuals that form our community.

The internalisation of repressive norms from our wider societies is one very personal experience of discrimination. It can often lead to a non-acceptance of the more visible people in our community through fear of being “outed” through association and can often lead to those less open about their sexuality and/or sex/gender identity rejecting those that are. While gay and bisexual men, lesbians and bisexual women view being out as choice this doesn't necessarily apply to transgender or intersex individuals. Many transgender or intersex individuals are unable to appear as “normatively sexed or gendered” and are forced to “come-out” to medical communities in order to access sex/gender confirming hormones and surgeries. Passing, as we can see in many countries then becomes a security issue.

People who are forced to develop private sexual identities often reduce their homoerotic experiences to ‘quick fix’ sexual encounters. If these encounters are happening in public spaces the security risks are all too obvious. The behavioural norms differ widely amongst the sectors of the LGBTI community and often give rise to prejudices and preconceptions that can often be used by wider society to discredit the movement as a whole.

Internalisation of the misconceptions that surround sexual orientation and gender identity can also force divisions. We are all products of the societies that we grew-up in. Few of us have been lucky enough to grow up in environments where diversity has been

celebrated. We have adopted norms that at best

We have seen earlier the some of the Intersex organisations and individuals have developed a very critical position regarding what they perceive as seemingly an over simplification of the issue. If the issues are not “simply” to be addressed as questions of gender identity and should include real prejudices amongst the LGBT community itself then these divisions could, as we have said, if ill managed create security issues for the movement as a whole.

Personal experiences of discrimination are often compounded by gender identity and sexual orientation. Ilga-World has published a report on the situation of lesbians around the world *Lesbian Movements: Ruptures and Alliances*. This report addresses many of the challenges that lesbians have faced in getting their agendas heard. For PI one of the main reasons for concern is the continued invisibility of the lesbian movement in countries where patriarchal dominance is both the legal and customary norm. Invisibility and discrimination that is unfortunately evident even under our LGBTI umbrella.

There are tremendous differences to be overcome and part of the work involved in sustaining the LGBTI movement is to constantly be seeking to address these differences in order to be able to move the common agenda forward. The image we have of ourselves as different to others in the LGBTI community can create security problems especially as these divisions will be exploited by those wishing to discredit organisations and the movement as a whole. Our incapacity to overcome these divisions, our own failures at creating an inclusive movement, exacerbated by how we identify ourselves, can often damage the greater image we project into wider society and need to be checked.

Example for discussion:

Transgenderism or non-normative gender behaviour is not only perceived by the wider society as negative but also causes “embarrassment” to certain sectors of the LGBTI community especially those who for various reasons are not open about their identification as part of our community. This can lead to divisions within the community and to difficulties in implementing organisational policy.

In your organisation how are these issues dealt with? To what extent do you think this particular issue has led to divisions? Divisions that can be perceived by wider society as a non-acceptance of the diverse nature of the LGBTI community?

Points for the discussion:

- At this stage recriminations are not important. What is important is to establish whether these issues of internalisation of wider societal norms and repressive measures are causing frictions and possible obstacles to organisational development?
- To look at how to deconstruct the idea that SOGI rights are different rights and construct the idea that what the LGBTI community is working towards is the respect of universal human rights we all share? Are there any campaigns that the LGBTI movement could participate in that would gain further acceptance as a relevant sector in society?

LGBTI rights are not “real” human rights:

The mainstream human rights community is a part of the society that it aims to develop. In the developing world the demand for recognition of same sex partnerships and the legal protections that go with this are considered as superfluous to the mainstream human rights agenda. As we have seen at the beginning this is not necessarily the case.

Unfortunately evidence would suggest that this is the same whether in neo-liberal or revolutionary Marxist economies. It is not uncommon for the wider human rights community including the women's movement to consider that SOGI rights are not “real” human rights. Binary definitions of sex and gender also exclude SOGI rights from the ongoing discussions on gender based violence. Many of the laws enacted to prevent gender based violence still lack in their provisions for the protection of the LGBTI community. South Africa is explicit in defining domestic relationships as a relationship between the plaintiff and the respondent be they of the same or opposite sex yet does not mention third gender as a category of person to be protected by this law¹⁷. Likewise the lack of laws to protect the social and physical process of transition makes transgender and intersex individuals more vulnerable to the threat of violence.

Another of the major obstacles that the LGBTI community face in having their rights considered “real” human rights is that violations against the community are largely considered to be carried out by private actors or by state or non-state actors as private acts. The debate still continues as to whether it is only state actors that are charged with upholding human rights and then only whilst on duty or whether private actors are also responsible for respecting international law. Whilst this debate goes on SOGI rights considered to be violated in private and not as part of a state policy remain marginalised. Homo or Transphobia have rarely be identified as state policy despite the continued failure to criminalise acts of violence against the LGBTI community and the fact that (male) homosexuality is still a criminal offence in many countries.

As many countries move away from conflict, discrimination as a cause of violence is not considered as broadly as it should be within the framework of post conflict reconstruction. It is very difficult for the LGBTI community to prove that violations and abuses carried out against them were part of wider political strategies of the conflicting parties as LGBTI people do not represent easily identified sector of society and are forgotten alongside those of other minorities. The violations carried out against the LGBTI community largely remain absent from conflict statistics. The result is that violations of the human rights of the LGBTI community go on and under reported.

Example for discussion:

In the struggle to re-establish democracy in a post conflict situation the human rights of the LGBTI community are constantly being left off the agenda of the mainstream human rights community. It is only through the insistence of more progressive mainstream human rights NGOs that

¹⁷ Domestic Violence Act 1998 Article 1 sub-article vii (<http://www.info.gov.za/gazette/acts/1998/a116-98.pdf>)

SOGI rights are even considered. Because of this the LGBTI organisations are suffering repercussions without the support from other organisations such as having their hospices for people living with HIV and those suffering from AIDs being closed with no public outcry even though the closure violates the rights of those using the hospices services. Why does this happen?

Points to guide the discussion:

- Ask why the mainstream organisations do not react when the activities of an LGBTI organisation are openly attacked and people's rights violated? Why do they remain silent?
- What perceptions do mainstream human rights organisations have of the LGBTI movement?
- Why in some transitional processes is the LGBTI community ignored? Have SOGI rights ever been treated through special procedures; given special attention in a Truth Commission for example?

Crimes of passion:

"A policeman once told me that on being called out to a domestic incident his colleagues had joked about it being a gay couple notorious in the neighbourhood for their loud and often public arguments. On arriving at the scene the policeman instead of finding what he considered two effeminate men screaming at each other one was actually attacking the other with a knife. On calling for back up again the colleagues joked about this particular policeman not being man enough to handle a domestic between two 'screaming queens' until it was made clear that it was serious and someone's life was in danger."

Crimes against the LGBTI community are often dismissed as crimes of passion, common crime or accepted because of the prevailing societal attitudes towards those who work in the sex industry. Deconstructing these perceptions can often be a very complicated process as it requires challenging the very foundations of discrimination, fear and ignorance. It is very hard as we have seen above to prove that violations carried out against LGBTI defenders are systematic and part of a well thought out repressive political agenda. Often it is left up to the organisation or the individual to relate the crime carried out with a wider strategy such as institutionalised homo or transphobia. Proving the connection and trying to get cases treated as part of the general context of impunity and regressive systems of governance is often part of the fundamental struggle that organisations and LGBTI defenders face.

Whilst the state and its agents continue to misrepresent cases and dismiss them as crimes of passion SOGI rights will never become mainstreamed. This said the responsibility that lies with the organisations to build successful cases and to demonstrate a commitment to seeing those cases through is paramount.

Example for Discussion:

A homosexual male was beaten by a member of his family. The victim reported the case to the police who ridiculed the victim rather than helping him file the complaint. An LGBTI organisation reported the case to the resident officer in OHCHR. OHCHR then took up the case with the Police only to be told that the victim accepted the compensation offered by the perpetrator and withdrew the case.

Points to guide the discussion;

- What image does this portray both of the individual and the organisation?
- Could the organisation be perceived as not being serious about its efforts to end impunity for such crimes? What contextual information could be used to explain the victims' response?
- What would have been a better way of handling the case?
- What legal provisions and support mechanism need to be in place to enable victims of such crimes to come forward?

Key points to remember:

1. We may be perceived in a very different way to the image we have of ourselves.
2. The image we portray is derived from what we say, our actions, how we appear to others and from the affects our activities have on other people.
3. Image is not only derived from the messages we intentionally communicate but also from those we unconsciously communicate.
4. Other people may deliberately construct a particular image of you or your organisation for their own purposes (usually negative)
5. There is a need to distinguish between the various types of people that develop their own image of us, so that strategies to counteract any negative images and positive images can be developed.
6. Image management involves reviewing how we recruit and manage staff, how we execute our programmes and how we manage our relationships with different actors.
7. Careful management of our image and others perceptions of it can help gain greater and wider respect and tolerance.

Remember changing our attitude to security management is permanent.
Changing our behaviours is a tactic and can be temporary.

Chapter Five

Understanding threats, security Incidents and preventing aggression

In this chapter we are going to look at how the threats we receive can often give us vital information about those wishing to harm us and how we can use that information to develop protection and security strategies that will help us to improve our working environment. We will also make the difference between threats and security incidents and lead on how to prevent aggression. It is our response to threats, security incidents that can help us prevent aggression.

Threats assessment: Understanding threats in depth

Threats are widely used to make us feel vulnerable, anxious, confused and helpless. Ultimately, threats and repression also seek to break organisations and make us lose trust in our leaders and colleagues. We have to tread a fine line between careful and proper management of threats and maintaining a sense of safety in our work.

Whilst we were looking at danger and levels of risk, threats were defined as “the possibility that someone will harm our physical or moral integrity or property, through purposeful and often violent action”. We also talked about possible threats (when a defender close to our work is threatened and there is reason to believe we might be threatened next), and declared threats (receiving a death threat, for example). We will now look at how to deal with declared threats.

A declared threat is a declaration or indication of an intention to inflict damage, punish or hurt, usually in order to achieve something. We receive threats because of the impact of our work is having or because our visibility challenges “traditionalist” values of how we should behave. Most threats have a clear objective to either stop us from what we are doing or to force us to do something. A threat always has a source, i.e. the person or group who has been affected by our work or our visibility and makes the threat. A threat also has an objective which is linked to the impact of our work, and a means of expression, i.e. how it becomes known to us.

A threat is only credible if it suggests that the person behind it has the capacity to carry it out. We know that the threat is linked to our work or our visibility as an LGBTI defender or organisation. Every threat contains valuable information about its author and even

in some cases identifies their particular weaknesses or vulnerabilities and should be analysed very carefully.

At the end of the day, we need to know whether the threat can be put into action. If we are reasonably sure that this is unlikely, our approach will be completely different than if we think a threat is going to be carried out.

The three main objectives when assessing a threat are:

- To get as much information as possible about the purpose and source of the threat (both will be linked to the impact of your work).
- To reach a reasonable conclusion about whether the threat will be acted on or not.
- To decide what to do.

Five steps to assessing a threat

1. Establish the facts surrounding the threat(s). It's important to know exactly what has happened. This can be done through interviews or by asking questions to key people, and occasionally through relevant reports.
2. Establish whether there is a pattern of threats over time. If several threats are made in a row (as often happens) it is important to look for patterns, such as the means used to threaten, the times when threats appear, symbols, information passed on in writing or verbally, etc. It is not always possible to establish such patterns, but they are important for making a proper threat assessment.
3. Establish the objective of the threat. As a threat usually has a clear objective linked to the impact of your work, following the thread of this impact may help you establish what the threat is intended to achieve.
4. Establish who is making the threat. (This can only be done by going through the first three steps first.) Try to be as specific as possible. For example, you could say that "the government" is threatening you. But since any government is a complex actor, it is more useful to find out which part of the government may be behind the threats. Actors such as "security forces" and "guerrilla groups" are also complex actors. Remember that even a signed threat could be false. This can be a useful way for the person making the threats to avoid political costs and still achieve the aim of provoking fear in a defender and trying to prevent him or her from working.
5. Draw a reasonable conclusion about whether or not the threat can be put into action. Violence is conditional. You can never be completely sure that a threat will – or will never - be carried out. Making predictions about violence is about stating that, given certain circumstances, a specific risk exists that a particular person or group will act violently against a particular target.

We are not fortune tellers and cannot pretend to know what is going to happen. However, we can come to a reasonable conclusion about whether or not a given threat is

likely to be put into action. We may not have gained enough information about the threat through the previous four steps and may therefore not reach a conclusion. We may also have different opinions about how “real” the threat is. In any case, we have to proceed on the basis of the worst case scenario.

For example:

An LGBTI defender has been threatened with public outing by the police if they continue to work on a case of illegal detention and sexual harassment. The group analyses the threats and reach two opposing conclusions, both based on good reasoning. Some say the threat is not going to be carried out as then the police would expose their criminal activities, while others people see worrying signals about its feasibility and are concerned about the consequences for the individual defender who is not “out” to their family. At the end of the meeting, the group decides to assume the worst case scenario, i.e. that the threat is feasible, and take security measures accordingly.

This threat assessment progresses from solid facts (step 1) to increasingly speculative reasoning. Step 2 involves some interpretation of the facts, and this increases further through steps 3 to 5. There are good reasons for following the order of the steps. Going directly to step 2 or 4, for example, will miss out the more solid information arising from the previous steps.

The Facts need to support your arguments-once they don’t you need to begin with another possible hypothesis.

Maintaining and closing a threat

A threat or security incident can alarm us, but it is usually difficult to maintain this feeling of alarm and subsequent additional security protocols that were established to deal with the threat. Because of the constant outside pressure on our work, ringing organisational alarm bells too often could lead us to lose interest and lower our guard.

Raising the alarm should only happen based on reliable evidence and should be focused on a specific anticipated event. It must be designed to motivate group members to act, and call for a specific set of actions to be taken. To be most effective, an alarm should only stimulate a moderate level of motivation: Too low doesn’t get people to act, but too high creates emotional overload. If the threat is likely to persist over time, it is essential to debrief people and follow-up after the initial alarm was raised to correct misinformation, change misguided recommendations, and reinforce the group’s trust in their joint efforts.

Finally, if the threat does not materialise, some explanation of why must be provided, and the group should be informed that the threat is lower or has disappeared altogether.

Security incidents: Definition and analysis

Put simply, a security incident can be defined as any fact or event which you think could affect your personal or organizational security.

Examples of security incidents could include seeing the same, suspicious vehicle parked outside your office or home over a number of days; the telephone ringing at night with nobody at the other end; somebody asking questions about you in a nearby town or village, a break-in to your house, etc.

But not everything you notice will constitute a security incident. You should therefore register it, by writing it down, and then analyse it, ideally with colleagues, to establish if it really could affect your security. At this point you can react to the incident. The sequence of events is as follows:

You notice something→you realise it might be a security incident→you register it / share it→you analyse it→you establish that it is a security incident→you react appropriately.

If the matter is pressing, this sequence should still take place, just much more quickly than usual to avoid delay (see below).

How to distinguish between security incidents and threats:

If you are waiting for a bus and somebody standing next to you threatens you because of your work, this - apart from being a threat - constitutes a security incident. But if you discover that your office is being watched from a police car at the opposite side of the street, or your mobile phone is stolen, these are security incidents, but not necessarily threats. Remember: threats have an objective and incidents happen.

Why are security incidents so important?

Security incidents are crucial to handling your security because they provide vital information about the impact our work is having, and about possible action which may be planned or carried out against us. They also give us information about how we handle security. Similarly, such incidents allow us to change our behaviour or activities and avoid places which could be dangerous, or more dangerous than normal. Security incidents can therefore be seen as indicators of the local security situation. If we cannot detect such changes it is going to be difficult to take appropriate and timely action to stay safe.

For Example:

On Monday colleague A notices a strange person outside the office as they are leaving to go home. The stranger smiles at them and your colleague thinks of it as flattery. By the time they get back to the office on Tuesday they have forgotten about it and fail to register it with other colleagues.

On Tuesday colleague B notices someone strange hanging around the corner shop right by your office as they are leaving work but fails to mention it as they have family troubles and are very preoccupied.

On Wednesday colleague C notices that someone was trying not to be noticed when they passed the office on their way home. But thought is just their paranoia as they have been working very hard to finish a report and are very tired.

On Thursday colleague D on arriving home realises that they don't have their bag and thinks they might have left it the bus or in the cafe that they stopped in before getting on the bus. In the bag are the office keys but its late and as everyone else is so busy and tired colleague D decides not to bother them that late at night.

That night the office is entered and important files, pertaining to a confidential case against the police are taken. This is only noticed when the lawyers asks the human rights officer for a copy of the files to take home with them over the weekend.

Ask yourselves the question would the Colleague D have reacted that way if their other colleagues had reported strange goings on outside the office on the previous nights?

Security incidents represent “the minimum unit” of security measurement and indicate the resistance to /pressure on our work. Do not let them go unnoticed!

Reacting to a security incident

There are many ways of responding promptly to a security incident. The following steps have been formulated in terms of when and how to react from the moment a security incident is reported, while it is happening, and after it is over.

Step 1. Reporting and analysing the incident:

What is happening/has happened (try to focus on the actual facts)?

Where and when did it take place?

Who was involved (if it can be established)?

Was there any injury or damage to individuals or property?

Step 2. Decide when to react. There are three possibilities:

1. An immediate reaction is required to attend to people with injuries or stop an aggression. Is there a need for confidentiality? Is that ethical? Are there internal rules that apply in this situation? What process of consultation with the concerned person are you going to employ?
2. A rapid reaction (in the next few hours or even days) is necessary to prevent possible new security incidents from arising.

3. A follow up action (in several days or weeks or even months): If the situation has stabilised, an immediate or rapid reaction may not be necessary.

Any security incident that requires an immediate or rapid reaction must be followed by a follow up action in order to restore or review your working environment.

Step 3. Decide how to react and what your objectives are:

If the reaction has to be immediate, the objectives are clear: Attend to injuries and/or prevent another aggression.

If the reaction has to be quick, the objectives will be established by a crisis team (or similar) and focus on restoring the necessary security for those affected by the incident.

Subsequent reactions will take place through the organisation's normal decision-making channels, with the objective of restoring a safe working environment externally, as well as re-establishing internal organisational procedures and improving subsequent reactions to security incidents.

Any reaction also has to take into account the security and protection of other people or organisations or institutions with which you have a working relationship.

Establish your objectives before taking action.

Why a security incident may go unnoticed?

- We are aware of it but dismiss it as unimportant.
- We don't inform the organisation (we forgot, don't believe it necessary, or decide to keep quiet because it happened because of a mistake on their part).
- Our organisation, having done a team evaluation of the incident after we registered it in the incident book, does not judge action necessary.

We sometimes overreact to security incidents, why?

A colleague might be constantly telling stories about some security incident or other, but on further examination they prove not to have substance or merit of the definition. The actual security incident in this instance is the fact that your colleague has a problem which makes them see non-existent security incidents. They might be feeling very afraid, or suffering from stress, and should be offered support to resolve the problem. Colleagues suffering in this way will not be in a position to manage their own security properly and for the sake of the organisation as a whole should be adequately supported.

Example of an incident which provides feedback on how to work more securely:

For the third time somebody from your organisation has had problems with the police whilst carrying out outreach activities because they frequently forget to carry the neces-

sary documents. You therefore decide to compile a checklist which all staff members must consult before going to work.

Example of an incident providing feedback on how you plan for security:

Whilst carrying out outreach activities in a provincial town, you are stopped for half an hour by the police and told that your work is poorly regarded. Thinly veiled threats are made. When you ask for an explanation at police headquarters, the scene is repeated. You call a team meeting to revise your work plans, because it seems clear that changes have to be made in order to continue working. You then plan a series of meetings with Government Officials, change some aspects of your plans and arrange weekly meetings to monitor the situation.

Example of an incident which provides feedback for your security strategy:

When you start work in a new area, you immediately receive threats and one of your colleagues is physically assaulted. You did not anticipate such opposition to your work, nor provide for it in your overall strategy. You will therefore have to change your strategy in order to develop tolerance of your work locally and deter further aggression and threats. To do this you have to suspend your work for a while, withdraw from the area and reconsider the entire project.

Prompt action is important, but knowing why you are taking action is more important. By first establishing what you want to achieve (objectives), you can decide how to achieve it (course of action). For instance:

If you have news that one of your colleagues has not arrived to their destination in a town, you may start a reaction by calling a hospital and calling your contacts in other NGOs and a nearby UN Office and police. But before starting those calls, it is very important to establish what you want to achieve and what you are going to say. Otherwise you may generate an unnecessary alarm (imagine that the defender was just delayed because they missed a bus and forgot to call the office) or a reaction opposite to the one intended.

Preventing and reacting to aggression

We are now going to look at way in which to assessing whether or not an aggression is going to take place and to look at ways of preventing direct aggression against defenders. As we have already discussed threats can often lead to aggression and the registering and responding to security incidents can often give us vital information about the possibility of aggression.

Aggression against defenders

A violent aggression against a defender does not usually take place without warnings (security Incidents). Careful analysis of aggression often shows that they are the cul-

mination of conflicts, disputes, threats and mistakes which have developed and can be tracked over time. This is the same for cases of domestic violence carried out against the defender either because of their work, their visibility or both.

For a LGBTI Defender using public washrooms can expose them to aggression from the general public who become afraid or don't understand why, especially transgender people, are using the women's or the men's toilet facilities. Transgender Law Center (TLC) has produced a set of guidelines for ***Peeing in Peace*** and should be consulted if discrimination, harassment and the threat of violent aggression whilst using public washrooms is a problem. For a potential aggressor the wash room could provide the perfect opportunity for a more politically motivated aggression and pass it off as common crime. What ever the reasoning behind these aggressions TLC is clear it is NOT our fault.

In order to carry out an aggression against a defender the potential aggressor must have the following:

1. **Resources-** surveillance and gathering information about a defender's activities require time and money
2. **Access-** in order to carry out an aggression you need easy access to the defender and to be able to make a quick exit from the scene of the crime
3. **Impunity-**the potential aggressor will not want to carry out the aggression if they think they will be punished or lose face in anyway.

It is therefore vital to detect and analyse any signs indicating a possible aggression. This involves:

1. Understanding your political environment
2. Knowing the vulnerabilities of your organisation
3. Determining the likelihood of a threat being carried out.
4. Identifying and analysing security incidents. With a special regard for incidences that could lead you to suspect you are being watched. Why is this?
 - To establish what activities are carried out, when and with/by whom.
 - To gather the necessary information to carry out an aggression.
 - To gather information for a legal action or other forms of intimidation (without direct violence).
 - To intimidate your supporters or other people who work with you. It is important to remember that surveillance is usually necessary in order to carry out an aggression, but doesn't in itself constitute an aggression. Also, not all surveillance is followed by an aggression. Targeted violence does sometimes occur in situations when an aggressor suddenly sees an opportunity to strike, but even then some level of preparation has usually been carried out first. Opportunities such as the possibility of disguising the aggression as "common crime".

People who carry out aggression usually show a degree of consistency. The majority of aggressions are aimed at defenders who are heavily involved in

issues affecting the interests of the aggressors. In other words aggressions carried out against defenders usually have a motive and are far from random. Even in cases of domestic violence the final aggression attack often comes after a series of warnings and threats.

Hate Crimes: violent aggression against LGBTI persons and defenders that seem random and “unprovoked”. In most cases these crimes still display patterns and warning signs that defenders should be aware of. For example, during an upsurge of violent crimes against gay men in the town, the police had failed to prevent these aggression or find the perpetrators. Though the aggression-hate crime- was seemingly unprovoked the political situation should have given the defenders a clue to the possibility of these crimes being committed especially late at night.

Choices and decisions are made before an aggression is carried out. People who are considering carrying out an aggression against us or our organisation must decide whether to attack the leaders or grass-roots members, and choose between a single hit (against a key, possibly high profile person and therefore at an increased political cost) or a series of agressions (affecting the organisation’s membership). The few studies done on attacks against defenders suggest that both strategies are usually applied.

Establishing the feasibility of an aggression

To find out how likely an aggression is to happen, you need to analyse the relevant factors involved. To establish what those factors are, it is useful to differentiate between different kinds of aggression, i.e. common crime, indirect aggression (being in the wrong place at the wrong time) and direct aggression (targeting), using the three tables on the following pages.

Table 1: Establishing the possibility of direct aggression (targeting)
(PA stands for potential aggressor)

POSSIBILITY OF DIRECT AGGRESSION (TARGETING)			
FACTORS	LOW THREAT	MEDIUM THREAT	HIGH THREAT
CAPACITY TO AGGRESSION	PA have limited ability to act in the areas where you work	PA have operational capacity near the areas where you work	Zones where you work under the firm control of PA

FINANCIAL MOTIVE	PA do not need your equipment or cash for their activities	Interest in your equipment, cash, or other forms of financial gain (i.e. kidnapping)	PA in clear need of equipment or cash
SOCIAL, POLITICAL AND MILITARY MOTIVE	None - your work has nothing to do with their objectives	Partial interest - your work limits their political and military objectives	Your work clearly hampers their objectives, benefits their opponents, etc.
RECORD OF PREVIOUS AGGRESSIONS	None or rare	Occasional cases	Many previous cases
ATTITUDES OR INTENTIONS	Sympathetic or indifferent attitude	Indifferent Occasional threats	Frequent warnings Aggressive, with clear and present threats
SECURITY FORCES' CAPACITY TO DETER AGGRESSIONS	Existing	Low	None, or security forces collaborate with PA
YOUR LEVEL OF POLITICAL STRENGTH AGAINST PA	Good	Medium to low	Limited (depending on circumstances) or none

Example of the threat level for direct aggression (targeting):

The PA control the areas in which you work, but they do not have any financial motive for carrying out an aggression against you. Your work only partially limits their political, military, religious or economic objectives, and there are no precedents of similar aggressions in the city. Their attitude is indifferent, and they do clearly not want to attract any national attention or pressure by carrying out an aggression against you.

The possibility of direct aggression in this scenario is considered to be low to medium.

Table 2: Establishing the possibility of a criminal aggression (CO stands for criminal offenders)

LEVEL OF THREAT FOR CRIME			
FACTORS	LOW THREAT	M EDIUM THREAT	HIGH THREAT
MOBILITY AND LOCATION OF CO	CO usually stay in their own areas, away from NGO zones	CO generally enter other areas at night (or operate close to NGO areas)	CO operate anywhere, day or night
WORK PLACE OF ORGANISATION	No outreach activities in areas controlled or with presence of CO	Some outreach activities during the day where CO operate	Outreach activities after dark in areas where CO operate

AGGRESSIVENESS OF CO	CO avoid confrontation (predominantly commit crime where there is no NGO presence)	CO commit crime in the street (but not in staffed offices)	CO openly commit street robberies and enter premises to commit crime
ACCESS TO/USE OF WEAPONS	Unarmed or use nonlethal arms	Crude weapons, including machetes	Firearms, sometimes powerful
SIZE AND ORGANISATION	Operate individually or in pairs	2-4 people operate together	Operate in groups
POLICE RESPONSE AND DETERRENCE	Rapid response, capable of deterrence	Slow response, little success capturing criminals in the act	Police do not usually respond with even a minimum degree of effectiveness
TRAINING AND PROFESSIONALISM OF SECURITY FORCES	Well trained and professional but lacking resources	Regular training, low pay, limited resources	Police are either non-existent or corrupt (cooperate with offenders)
GENERAL SECURITY SITUATION	There is lawlessness but the situation is relatively secure	Lack of security	Rights not observed, absolute impunity

Example of an assessment of the possibility of a criminal aggression:

In this city, criminals operate in different areas in pairs or small groups, sometimes during the day. They are often aggressive and often carry guns. The police does respond, but slowly and ineffectively, and the police force is unprofessional and under-resourced. However, the police leadership is well disciplined. There is a clear lack of security, and if applied to the marginal neighbourhoods of the city, the outreach activities of the organisation often take place in these marginal areas of the city, the threat of crime is at its highest given that all the indicators are at high level.

The likelihood of a criminal aggression like this is at a high (possibly medium) level.

Table 3: Establishing the possibility of indirect aggression
(PA stands for potential aggressor)

LEVEL OF THREAT FOR INDIRECT AGGRESSION			
FACTORS	LOW THREAT	M EDIUM THREAT	HIGH THREAT
YOUR KNOWLEDGE OF CONFLICT AREAS/ LOCAL POLITICAL CONTEXT	Good	Approximate	You know very little about where combat zones are located

DISTANCE TO CONFLICT AREAS / LIKELYHOOD OF VIOLENT DEMONSTRATIONS ERUPTING	Your work is far away from these areas / no history of violent demonstrations	Your work is close to these areas and you occasionally enter them/ occasional demonstrations though for most part peaceful	Your work is carried out in combat zones/ violent demonstrations and excessive use of force by state authorities is common
MOVEMENT OF CONFLICT AREAS / VIOLENT DEMONSTRATIONS	Conflicts are static, or change slowly and verifiably / Demonstrations are confined to one area of town	They change relatively often	They change continually, making them unpredictable
COMBAT/ DEMONSTRATION TACTICS / ARMS	Discriminate	Discriminate, with occasional use indiscriminate aggression.	Indiscriminate:

Example of an assessment of the possibility of indirect aggression:

In this area, you are familiar with the reasons behind the demonstrations, and tactics change slowly and verifiably. Your work is close to the areas where the demonstrations take place and you occasionally visit or pass through these areas. The tactics used are discriminate and therefore do not affect civilians very often.

Work in these areas carries a low level of risk of indirect aggression.

Preventing a possible direct aggression

You now know that a threat can decrease with changes in the potential aggressor's capacity to stage an aggression, their attitude towards how acceptable an aggression is, or how likely they are to be caught and punished.

To prevent an aggression it is therefore necessary to:

- Persuade a potential aggressor or a person making threats that an aggression will involve unacceptable costs and consequences;
- Make aggressions less feasible. This type of aggression prevention is similar to the risk analysis which says that the level of risk is dependent on the defenders' vulnerabilities and capacities. It also said that in order to protect yourselves and reduce risk, you need to take action against the threat, reduce your vulnerabilities and enhance your capacities.

Table 4: Preventing a direct aggression – different protection outcomes

PREVENTING A DIRECT AGGRESSION: DIFFERENT PROTECTION OUTCOMES	
1. Changes in the perpetrator’s behaviour: Deterring aggressors by increasing the potential costs of an aggression.	Confronting and reducing threats (by acting directly against the source, or against any action taken by the source)
2. Changes in duty bearer stakeholders’ compliance with UN Declaration on HRD. Dissuading aggressors by improving the likelihood of authorities taking action to protect defenders or to punish the perpetrators of an aggression.	
3. Reducing the feasibility of the aggression: Reducing defenders exposure, improving your working environment, managing fear and stress developing security plans etc.	Reducing vulnerabilities enhancing or increasing capacities

When a threat is made and you want to reduce the danger associated with it, it is important to act - not just against the threat itself, but also on the vulnerabilities and capacities most closely linked to the threat. At times of great pressure, when you want to react as quickly as possible, you often act on the vulnerabilities which are easiest to deal with or closest to hand instead of those which are most relevant to the threat.

Note: If the possibility of an aggression is high (that is, if the threat is strong and real, and there are several vulnerabilities and few capacities), medium to long term planning to improve your capacities and reduce your vulnerabilities makes little sense. If the possibility of an aggression is very high (a direct and severe aggression is imminent) you can only do three things to avoid it:

1. Immediately and effectively confront the threat, knowing that you can achieve an immediate and specific result which will prevent the aggression. The information you have from your threat assessment and from the registering of security incidents might give you vital information about how to go about this though it has to be said taking this cause of action might not be successful.
2. Reduce your exposure to as close to zero as possible, by going into hiding or leaving the area.
3. Seek armed protection. On the assumption that armed protection is close at hand (immediate), and can deter the potential aggressor and does not put the defender in more danger in the medium or long term¹⁸.

¹⁸ Sometimes a Government offers armed escorts to a defender, after national or international pressure; in these cases, accepting or rejecting the escort may have to do with holding the state accountable for the security of defenders, but in no way can a Government say that they are relieved of their responsibilities if the defender does not accept the armed escorts. Private security companies may lead to more risk if they are informally linked to State forces. And for defenders to carry weapons we must say that it is usually ineffective against an organized attack, and also may make defenders vulnerable if a Government uses it as a pretext to attack them on the basis of fighting terrorism or insurgency.

Threatening situations that can lead to an aggression are easier to handle if other relevant actors or stakeholders become involved and work together. Examples include a functioning judicial system; support networks (domestic and international) that can put political pressure on duty-bearer stakeholders; social networks (within or among organisations), personal and family networks, UN/international peacekeepers, etc.

Reacting to aggression

No single rule can be applied to all aggressions against defenders. Aggression, much like security incidents and threats can produce very individual and emotional responses. Please see Chapter Six for further information on responding to violent aggression.

There are two essential things to remember:

1. Be as safe as possible: If you are experiencing an aggression and you have the possibility of making a choice between two or more alternative reactions, go for the safest one.
2. Following an aggression, it will be necessary to recover physically and psychologically, take action to solve the situation, and restore a safe working environment for you and your organisation. It is crucial to retain as much detailed information as possible about the aggression: What happened, who/how many people were involved, number plates of vehicles, descriptions, etc. This can be useful to document the case, and should be compiled as quickly as possible. Keep copies of any documents handed over to the authorities to document the case.

Domestic Violence- A special case:

Much of the information above is geared towards preventing aggression against you in your offices and whilst carrying out your daily duties. Whilst this is important it is also important to recognise that LGBTI defenders can often suffer aggression at home by their families, friends and communities either because of the work that they do or because of their visibility or both. Preventing an aggression being carried out in a domestic situation is difficult especially as many of the domestic violence laws around the world even if they do recognise domestic violence as a non-gender specific form of violence fail to provide shelter or “safe housing” to any one other than women and children. It’s not clear how provisions would extend to gay men or transgender individuals or how specific programmes could be developed to allow young homosexual / transgender/ intersex adults to continue in education etc.

The violence: much like the violent aggression described before is a culmination of a process, one that as we will see in the next chapter is created by prevailing societal attitudes of homo and transphobia and gender identity discrimination. Very rarely does a violent act in the domestic setting come out of no where. It is often preceded by threats, insults, and varying degrees of psychological pressure. IT IS NOT OUR FAULT and we do not need to accept it. Seek help from your organisation or close friends who will be able to help you find solutions.

Misconceptions: Families/ Partners/ communities that respond violently to our sexuality, gender identification or visibility as a member of the LGBTI community due to their own “closetedness” do not love or care about us. Arguments that they are doing it for our own good are in a word, rubbish. It is not true they are doing this because of ingrained social attitudes to difference. How ever hard it is to accept it is the truth. It is not our place to understand these violent reactions our only priority in this situation is to protect ourselves. Alcoholism, drug abuse and other social “conditions” yes need to be dealt with especially if violence is one of the manifestations of dependency on drink or drugs. WE ARE NOT medical professionals, and even if we were, emotional involvement in this scenario would prevent us from acting objectively. We don’t owe these people anything. Leaving can be traumatic but not as traumatic as staying and putting up with the violence.

The Response: where there are no legal provisions to prevent domestic violence, organisations working on SOGI rights need to be aware of the signs and need to be able to address the situation making the security and protection of the individual a priority. Many organisations don’t have the resources to relocate defenders to safe houses or the resources to sustain any long term relocation package. Donors need to be sensitised to the issue of domestic violence against LGBTI defenders in order that they provide funding for such safe house mechanisms and secondly that they apply political pressure on the State to create legal provisions in order to prevent it from happening in the first place.

Chapter Six

Violence against LGBTI people and defenders

The objective of this chapter is to highlight the failings of national legal provisions for the protection of LGBTI people and defenders against forms of violence making some suggestions as to resolve these issues.

LGBTI people and defenders are exposed to all types of violence just like any other defender. However, even though crimes largely under reported the gender of the perpetrator and the marginalised status of the victim, particularly exposes LGBTI persons to sexual violence.

Why “particularly exposed”? Because of the same strategy used against all victims of sexual violence aka torture that being to deny them basic rights of freedom of expression and choice and to prevent them from working.

General aims and objectives of torture and violence:

To achieve humiliation and psychologically “break” the victim (that can lead to the “guilt feelings” and that the aggression was deserved in some way by the victim-the breaking. This “breaking of a person” is the “usual” minimum objective of torture in general including sexual torture.

Specific aims and objectives of sexual violence and torture carried out against LGBTI persons and defenders:

Many LGBTI persons and defenders are subjected to the sexual violence by private and state actors in order to reinforce socially constructed sexual and gender roles. It is an aggression against the assumed difference in order to re-establish the status quo. Transgender people are often subjected to sexual violence and abuse to prove that they are “in reality” male or female.

Note: The authors feel that it is also necessary to address the non-consensual “corrective” surgeries and medical treatments that intersex children undergo as a form of violence. Much is known and discussed about female genital mutilation carried out in the name of “religion”. Castration of young boys in Thailand has recently hit the headlines and a debate has emerged over whether parental consent should be needed or not to carry out the operation. Much less, however, is discussed openly about having prescribed gender roles surgically engraved on our bodies without our consent and the failures of States to develop effective measures for prevention and remedy. Preliminary readings and conversations would suggest that there is need to develop these discussions and the negative impact it can have on the security of LGBTI organisations if not properly addressed. There is a need to listen to our colleagues about how we should be addressing this form of violence and the impact it can have on our development not only as individuals but as organisations and movements.

For the purposes of this chapter we will consider three forms of sexual violence, grave sexual abuse and rape, domestic violence and sexual harassment.

Grave Sexual Abuse and Rape:

Many countries have laws against rape that even with their deficiencies provide some protection mainly to female victims. What is of utmost importance to SOGI rights and those that defend them is that these laws almost totally ignore male to male rape. Many national provisions against the crime of rape describe the act of rape as “penile penetration of the vagina without the victim’s consent”. In cases where lesbians are raped by men in order to “show them what a real man feels like”¹⁹ or transgender men are raped in order to prove that they are still women, the law then would offer some protection and possibility for prosecution of the perpetrator yet in cases where gay men, transgender women and intersex persons suffer anal rape there is often no recourse to the law for either protection or prosecution as the act of anal/oral rape is not recognised as a crime. The same can be said in all cases where the act of rape is not carried out by inserting the penis into the vagina, anus or mouth but by inserting objects or fingers. There are many cases where LGBTI people have been raped by police who have inserted their batons or truncheons into either the anus or vagina or had both penises and objects inserted into their mouths but no prosecutions have taken place for many reasons but namely because the act is not recognised as a crime and therefore not punishable. Even where “Unnatural Sex Acts” derived from colonial anti-sodomy laws exist making this kind of sexual activity even if consensual illegal no prosecutions have been carried out. We will look in more detail at custodial rape later in this chapter as the abuse of power also needs to be addressed to offer protection to the LGBTI community.

What is needed in order to protect the LGBTI community is a change in the national provisions; constitutions and criminal procedure codes; in order to criminalise not only the act of anal/ oral rape but also the act of inserting objects into peoples’ vaginas, anus or mouth. Gender neutral rape laws, that include the insertion of objects into peoples mouths or other sexual organs need to be enacted with a view to preventing the continuation of these crimes. These laws though sufficient in recognising the human rights violations carried out against LGBTI persons must be accompanied by adequate punishment and specialised training of state security forces, the judiciary and the medical profession in order that investigations are carried out and sentences passed.

Though the authors have no information as to the re-victimisation of victims of rape and grave sexual abuse it is highly probable that in countries where anti- sodomy laws are still in existence there exists a high chance of victims being punished for acts they did not consent to and so prevent them from filing the complaint in the first place. The issue of zina²⁰ in Pakistan for example serves as a very clear message that States which continue to up hold antiquated patriarchal value systems, heavily influenced by the

¹⁹ Direct testimony by a Guatemalan lesbian victim of rape by a male relative on refusing to marry and adhere to social norms.

²⁰ Zina in practice means that a woman who accuses someone of rape also runs the risk of being punished for what the judiciary perceive as having extra-marital affair i.e. she is punished under the adultery laws.

prevailing religious teachings, are prepared to re-victimise victims in order to maintain perceptions of “decency and order”.

Consent:

In most cases of rape and grave sexual abuse the onus to prove that consent was not given is on the victim. Any efforts to address the inadequacies of national rape and sexual abuse laws should be accompanied by a change in the law and the customary judicial proceedings that establish the role of the defence to prove that consent was given. This is especially important in cases of rape being carried out against LGBTI persons as their conduct, societal perceptions and the fact that some are linked with the sex industry can, if and when cases come to trial, be used against them by the defence to claim weak morals and a history of promiscuity. Developing a system where the defence has to prove consent could also be used to eradicate previous sexual history from the case making it, as it should be, irrelevant.

Custodial Rape:

Many cases have been reported though not presented as complaints to either the police or judiciary of rape or grave sexual abuse that has taken place whilst in custody of State Security Forces. Cases have also been discussed where agents of state security forces have demanded sexual favours in exchange for release from detention. Special provisions should be drawn up in national legislations and subsequent penal codes in order to be able to prosecute and punish those found guilty of such heinous abuses of power. In line with the adopting of rape laws that include the insertion of objects laws should be adopted that deal severely with people who abuse their positions of authority in order to carry out this form of violence against the LGBTI community. The question of whether the act was consensual or not should be made irrelevant to any judicial proceedings as the general atmosphere of detention centres in countries where the rule of law does not prevail is one of intimidation and harassment. The fear of further torture or prolonged detention is enough to rule out any form of “free” consent. Similar notions used in obtaining confessions under duress should be applied to cases of rape and grave sexual abuse whilst in custody. The idea of custody similarly should be expanded to include not only detention centres but also hospitals, care homes, educational centres, “safe houses” and places of religious worship.

Domestic violence:

The ongoing case of the Domestic Violence Bill in Nepal is perhaps the prime example of how ongoing efforts to domesticate the provisions of the Convention on the Elimination of Discrimination Against Women (CEDAW) and the subsequent Resolution on Violence Against Women (1993) are blinded, perhaps by the magnitude of the task, to redefining both gender to include transgender and intersex persons and subsequently gender-based violence by fundamental issues such as the notion of family. If domestic violence is to be understood as it is in the present Bill in Nepal to be violence that takes place within the family unit then failure to recognise same-sex unions as family units means in effect LGBTI person suffering from domestic violence are not protected by

this law and therefore unable to benefit from its provisions for safe housing and governmental support. Even where provisions are made to include same sex couples, the idea of refuge system for protection of the complainant has often only gone as far as thinking of biological women. If the issue of domestic violence as we have seen before is still considered as a crime perpetrated against women by their male or female relatives there can be little hope for the LGBTI community using this law to prevent future cases except perhaps in a few cases where lesbians can prove intra-familial violence on the grounds of their sexuality. There is a need for the wider human rights community in addressing issues of domestic violence to take a more comprehensive approach to the subject matter and develop laws that in the first instance are inclusive of the diversity of our societies. Where domestic violence laws are already in place issues such as definition of gender and the family unit should be addressed through amendments in order to offer protection to the LGBTI community.

In the specific case of LGBTI defenders, as is the case for many women defenders, social stereotyping and traditional values can often be the causes of domestic violence and whilst no law should seek to justify the causes of any violent act they should be include in preambles the possible causes that will allow for stronger arguments both in filing the case and during any judicial proceedings. Establishing “hate crimes” as an offence under the domestic violence law would greatly improve the situation of many young LGBTI people. Failure to include LGBTI community in any domestic violence laws can only result in further ridicule and trivialisation of this important issue.

Further more any laws on domestic violence should have a “no drop policy” by the police which means in effect that once the complaint is made the police have the duty to carry out the investigation within a specified time frame and prosecute the perpetrator. Victim’s testimony should be enough to proceed (prima facie) and there should in line with changes made to the issue of consent be no need to corroborate this testimony in court. “whilst care should be taken to prove the case for the prosecution beyond all reasonable doubt” and uphold fundamental legal provisions such as innocence until proven guilty the victim should not be placed in a situation where they are re-victimised and cross examined by the defence in order to prove either their “unreliability” or “weak moral standing”. The LGBTI community should be invited to help form any domestic violence monitoring body that is mandated to oversee the implementation of the “no drop policy”.

In cases of domestic violence avoiding the necessity to corroborate the victims’ testimony becomes paramount where psychological violence is being used against the victim. This often being done in the very private realm of the home would be difficult to prove through witness testimony.

Perhaps one test case for the appropriateness of the domestic violence laws is a case where two women choosing to live together suffered negative reactions from both families. The family of the younger women filed an abduction charge against the elder women despite both women being legally adults. The police then acted upon this and issued

an arrest warrant against the elder woman. Had laws been in place that protect people from psychological violence in the home the need to run away might never have occurred and it could have been the family that found themselves facing a court sentence or punishment and not the victim.

Sexual Harassment:

The Indian Constitution recognises that the right to practice any profession or carry out any occupation, trade or business is also violated by incidents of sexual harassment and goes further when it defines the right to life as meaning the right to life with dignity. Whilst the author doubts that the Indian Supreme court would feel comfortable in extending such constitutional rights to the sex workers of India's major urban areas the idea is important and is replicated in other constitutions around the world. Sexual Harassment is a form of sexual violence that has very detrimental effects on its victims. As we have discussed in the section on Custodial Rape, the general environment inside detention centres especially where there is no prevailing rule of law can often be one of fear. What under other circumstances could be brushed off, and often is, as a joke takes on a whole new meaning in such an environment where there are no checks. The jokes about effeminacy in men, masculinity in women, about what genitalia transgender people have etc have very serious connotations in situations where torture and other degrading treatment is not a too distant possibility.

Remarks about a person sexuality made in educational establishments are difficult enough to cope with from your peer group and can often result in a similar threat of further physical aggression often down played as bullying. If those remarks are made by members of the teaching establishment and in front of the whole class the consequences can often result in young LGBTI people dropping out of school, college or university. Worse demanding sexual favours for higher grades is not uncommon in many educational establishments.

LGBTI sex workers, AIDS/ HIV prevention workers are often victim of sexual harassment. Verbal abuse, ridicule and inappropriate "touching" without the persons consent are common not only from "clients" but also state officials. Members of educational establishments, members of the medical profession have metered out similar and worse kinds of treatment to LGBTI people. The problem is that with out any legal provisions that protect LGBTI people from this kind of behaviour the negative consequences are still being felt. Even within the wider human rights community it is not uncommon for defenders to make what they perceive as jokes about LGBTI colleagues and organisations. These are not jokes this is sexual harassment.

Whilst many would argue that it is more a change in attitude that is required and not the development of a legal system that punishes acts of harassment this manual would like to differ. Sustained harassment on the basis of one's sexuality, sex or gender identity amounts to nothing more or less than similar kinds of psychological torture brought about by domestic violence and sexual abuse. In the following chapter we will discuss how psychological consequences of wide spread homo and/or transphobia and the coping strategies employed

by LGBTI people can impact on personal and organisational security. All that is needed to be reiterated here is that sexual harassment is not funny, it is not a joke and should be treated under the criminal justice system providing adequate punishment for those found guilty of it.

Moving towards improved legal provisions for LGBTI rights and those that defend them:

LGBTI defenders constitute a wide range of individuals facing similar problems and discrimination often couched in a lack of legal protections, yet due to different backgrounds will develop different solutions and coping strategies. In any given security situation LGBTI people can identify problems and find appropriate solutions. In order to do this, a combination of mainstreaming LGBTI participation and ensuring specific LGBTI security issues are addressed has to be developed.

The LGBTI community can not, due to the various difficulties and challenges that have been highlighted change constitutions and criminal procedure codes, customary law and traditional practices on its own. Relationships with other movements need to be established but not at cost to the LGBTI agenda. There are many examples from around the world that would lend support to the argument that though initially welcomed the LGBTI agenda has been forgotten when laws are drawn up and enacted. Larger agendas such as the need to end all forms of discrimination in South Africa and the mainstreaming of women's rights in Sandinista Nicaragua included LGBTI rights only to be forgotten or ignored in actual practice.

Integrating LGBTI defenders in the debate:

Redefining sex and gender to include the broadest spectrum of possibilities would create a greater space for SOGI rights within the wider human rights agenda. Ensuring full participation of LGBTI defenders in this redefinition including them in decision-making processes; incorporating LGBTI security issues into the agenda, and placing LGBTI defenders on a par with the wider community of defenders in the process. LGBTI defenders from around the world have found unlikely allies in this process of integration. Traditional opponents to the recognition of SOGI rights have in certain circumstances spoken out against the continued discrimination that the LGBTI community faces the church in South Africa and some Muslim clergy in Indonesia are such examples. In the drawing up of laws that will contribute to the ending of violence against LGBTI defenders allies need to be identified and worked with.

On a local level LGBTI defenders' experiences need to be included when defining security strategies for defenders as a whole. Specific needs need to be addressed in developing laws and procedures. LGBTI defenders need to be involved in training local security forces, medical and teaching professionals in the rights inherent in international standards and they need to be involved in the monitoring and evaluation of State's compliance with these norms.

Organisations themselves need to address their own internal working practices that have excluded the LGBTI community from any decision making processes to ensure that violence against the LGBTI community is addressed. Violence against the LGBTI community is under reported and often dismissed, training for all those working together in a human rights organization is key to improving security and protection and should include developing awareness about the specific issues that LGBTI defenders face.

As this manual goes to press over 60 countries are presenting a resolution to the UN General Assembly in support of the universality of human rights and the human rights of LGBTI persons with a view to end the discrimination the LGBTI community faces. As they do this over 60 countries in the world, Member States of the UN still have anti-sodomy laws in place. Very few recognize the right to register in our identified gender and even fewer recognise the right of children not to be submitted to non-consensual “corrective” treatments and discriminated against by parents / medical professionals despite being signatories to the CRC. Even fewer still have legal provisions that ensure the right to remedy for LGBTI people whose rights have been violated.

Coping with violent aggression in the absence of protection from the law.

As stated above violence directed at LGBTI people is often not recognised by the law. In states where impunity for human rights violations and abuses prevails any recourse to the law can often be unsuccessful in securing prosecutions and where prevailing patriarchal attitudes have contributed to climate of homo and transphobia and hetero-centrism, members of the LGBTI community often face the possibility of re-victimisation, sexual harassment and abuse. In countries where the judicial system has a bias towards the rich and powerful bringing cases against members of that class are not only impossible but also can result in illegal detentions and the threat of public outings.

As a consequence of this violence against the LGBTI community is always underreported. Organisations, platforms and networks need to create an environment where the violence perpetrated against the LGBTI community can be discussed and common strategies be developed.

Recovery from a traumatic incident can be a long process. Organisations need to be aware that often the defenders working in them are faced with very traumatic situations and are required to make judgement calls without any proper back up leading to levels of stress that become unmanageable. In the most serious of cases it may be that the person under going such stress is incapable of making decisions that could affect the capacity of your organisation to manage its security effectively, yet removing that person from their post or from any decision making process could aggravate the very symptoms and negative ad hoc coping strategies. Whilst there is a need to maintain organisational security at all times this perhaps needs to be coupled with specific needs of defenders who have experienced traumatic incidents in the course of their work. A

starting point in any organisation would be the way as defenders and organisations we respond to all incidents including the traumatic ones.

Other ways of offering the necessary support to the defender whilst maintaining organisational security could be:

1. Paid leave of absence/ sick leave. Paid leave not only shows respect for the defender and their work but also gives them a goal to aim for i.e. their return to work.
2. Temporary relocation within the organisation to a different office or different duties. This could help the defender with maintain levels of self confidence that removing them could possibly damage
3. Individual. Peer Group or organisational counselling sessions
4. Development of decision making processes, similar to consensus, that have in built support mechanisms and where the responsibility of the decision is shared by the whole organisation.

An organisation or a group can make it easier for people to talk about specific incidents or aggression against LGBTI people.

Sexual violence and personal security

As we have seen previously there are ways in which we can prevent any form of aggression including sexual violence. What we need to be clear about is that we never “ask for” or “invite” sexual violence. Rape, serious sexual abuse, domestic violence and harassment are physical manifestations of deep rooted discriminatory practises and fear that the prevailing traditional system is being over turned or upset by divergence from the established norms. In the case of LGBTI defenders sexual and domestic violence is often a targeted aggression on their work or visibility.

Everyone is a potential victim of sexual violence; women, homosexual men, transgendered people are more frequent targets. Sexual violence is a crime of power and violence, akin to that of torture it is designed to violate the individuals personal and physical integrity and “break them”.

Reacting to a sexual violence:

The options for response to a sexual violence are limited and strictly up to the victim. This does not rule out discussions with in organisations as to hypothetical individual responses and the development of organisational policy as a way to support possible victims. These discussions can not be held at the moment of the aggression and need to be developed over time and included in any organisational security planning.

There is no right or wrong way to react. In all cases, the primary objective is to survive. The options available to the victim of a sexual violence are determined by the context. The option of running away for example is not available in cases of custodial sexual violence however some options do include the following:

1 Submit: If the victim fears for their life, they may choose to submit to the crime. Submission is a form of passive resistance and in no way should lead to later incriminations that the victim gave their consent. As we have seen before the option for consent has been removed by the circumstances of the violent act. OTHER forms of passive resistance can be doing or saying anything distasteful or disgusting to deter the aggressor's insistence for physical contact.

2 Active resistance: Try any type of physical force you can muster to fight off the aggressor, such as striking, kicking, biting, scratching, shouting and running away.

In all cases, do whatever you must to survive. Go with your instincts. No one knows how they will react in such a situation and your way to react will be right for you and the given situation.

Note: 11 countries around the world have already adopted a US backed statute into their national legislation that broadly criminalises transmission and exposure to the HIV/AIDs virus. Initial prosecutions have taken place of HIV positive people who have had unprotected sex with others or in resisting arrest have spat in the faces of the arresting officers. Where the rule of law prevails one could assume that the act of rape could then also be charged under this statute increasing the sentence handed down to the perpetrator if the perpetrator was found to be HIV positive or living with the AID virus. Where customary law and judicial proceedings are governed by patriarchal values it could be assumed that to fight back might come under the jurisdiction of this law, should it be in place, and the victim find themselves the defendant in a counter suit. It is fundamentally an attempt a criminalising marginalised populations that could have disastrous consequences for those trying to prevent the act of rape.

After the act of sexual violence has been committed

All defender's organisations and groups should have preventive and emergency plans in place to deal with sexual violence.

The emergency plan should include:

- Many countries require a police report before any medical examination will be carried out this can be time consuming and very detrimental to the victims' mental health. Organisations need to be able to deal with such complexities of the legal system so that they can alleviate the burden on the victim themselves.
- Providing the victim with immediate medical treatment making sure that no evidence of the crime is destroyed in the process.

- Clothing is often required by the examiner as evidence especially in countries where DNA testing is allowed by a court of law. Sensitivity should be shown to the victim and their family if clean clothing has to be retrieved from the person's home or family.
- Often the medical report required by the police can be a very harrowing experience so if the person chooses to file a complaint it is important that psychological support is available during the initial phase, the medical examination and after if the case ever comes to court.
- In countries where the legal system requires the victims to give evidence in court it is important for the victim to understand the terminology used in the examination and the giving of testimony as any misunderstandings can often be used by the defence in the cross examination to discredit the victim's testimony. Checking that the victim has understood the questions asked is a good way of avoiding this especially if we are to assume the victim will be very traumatised by the aggression.
- Check immediately and after a specified time for sexually-transmitted diseases such as HIV/AIDs. Unwanted pregnancy is another outcome of sexual violence in some countries where the termination of the pregnancy is illegal the organisation needs to be able to respond with appropriate support and advice.
- Domestic violence may mean removing the victim from their home and community. Organisations need to be able to relocate victims quickly taking into considerations all the physical and psychological requirements of the victim. In cases of rape it also might be impossible for the victim to remain in their community if the complaint has been filed with the police again organisations need to be able to relocate victims ensuring all their needs in the process.
- Longer term solutions need to be found to cope with unwanted pregnancies, transmissions of HIV/AIDs and the social stigma of being attacked. Organisations need to be aware of how over time different psychological affects can manifest and be able to deal with them.

In short a careful balance must be struck between ensuring the victim has access to the relevant specialist treatment and support and ensuring the organisation reacts appropriately. In all cases the views, concerns and wishes of the victim should be paramount.

Transgender Movement in Kenya: A Brief History.

Audrey Mbugua-Gender Education and Advocacy Programme, Kenya

In our vocabulary the word transgender denotes a state of living in a gender role and identity other than the one assigned at birth or during childhood. Transgenderism/ transsexualism is regarded as a form of “shameful delusion” in Kenyan society. Cross gender identification among biological males is frowned upon unlike cross gender identification among biological females something that rarely raises an eyebrow; in some tribal communities, it is actually encouraged.

Transgender people face various forms of hostility in the Kenya, widely evidenced through media depictions of violent attacks on “poor and hapless” transgender women. The cases vary in gravity but mainly involve violent attacks from members of the public. Cases involve stripping of transgender people in public, arbitrary arrest by police and charges of public nuisance or as female impersonators being filed. The media treats these cases with incredible sensationalism leaving little room for reflection on the implications of such senseless acts on fellow human beings. Kenyan religious-cultural fundamentalism is to blame.

Ingrained, bigoted and ill-thought opinions don’t take any notice of developments in both the scientific and human rights fields. Developments have always been trashed by the “know-nothings” and “know-little’s” in the name of the bible and faith fuelled reactions.

4th January 2009 a male adult took his 20-year-old girlfriend to a hotel to consummate their relationship. In the course of heated passion, the man realised his girlfriend was actually a transgender woman. His reaction caused the management of the hotel and members of the public to break into the room to find out the cause of alarm. The man narrated his “ordeal”. The members of the public attacked the transgender woman. She was beaten unconscious. The police were alerted, arriving, quicker than usual, arrested the unconscious transgender woman. They took her to a hospital where she was treated and then to the police station. She was later charged with being a public nuisance and imprisoned for 4 months in a state penitentiary.

Should transgender people reveal the state of their anatomical sex at the beginning of their relationships as public sentiment now suggests? Asking “normal” men and women to reveal the shape and form of their genitalia would be unthinkable why then are our rights to privacy constantly the subject of negotiation? We reject these sentiments and consider such an approach to be as threatening as any racist or sexist bigotry.

It’s hard trying to talk some sense into these people. For example, trying to point out that attacking transgender women in an alley is as callous and inhumane as any other attack against another Kenyan is practically impossible. We don’t understand why people think that the way they choose to practice their religious beliefs and the way that practice impacts on us should not be subjected to criticism. The impunity surrounding that idea came to an end when these same people decided to mess with our rights.

All is not lost. Silence has been transformed into language and actions. Thinking through the interrelationships between movements for liberation and the need of transforming our lives the transgender movement was born. The timing was perfect. It was a time of intensified societal decay, and increased assaults on women, be they biologically fe-

male or transgender. A time came when transgender people decided they would cease being at the periphery of life. The year was 2008.

Close ties with the LGB, women and sex workers communities proved that different forms of oppression were interconnected across the fabric of our lives and bodies. We vowed to work together to liberate ourselves. We have come a long way in challenging both the oppression and seeking justice for such atrocities. At last we are home.

We don't have some delusional visions of a future. We anticipate losses in our liberation movement because of hate and extremism however; our desire to move forward requires us to minimize those losses by planning to improve our security and protection.

Chapter Seven

Psychological Impact on Security:

The idea of this chapter is to explore how homophobia and continued discrimination affect Lesbian, Gay and Bisexual (LGB) persons and how in developing ad hoc coping strategies and mechanisms we can without meaning too negatively impact on our own individual and our organisations security. What this chapter fails to address is the process for transgender and intersex people and we offer our apologies for that. Whilst there may be some similarities the authors consider it best to develop through further study and research a specific chapter for transgender and intersex people to be included in a later edition of the manual.

Sexual awakening: what most LGB people would acknowledge a “coming out” process at some point in their lives. The process that establishes the idea within us that something is different.

The ideal process for LGB people would be something akin to the following:

Awareness of same sex sexual attraction -initial same sex sexual experience- understanding of the meaning of the words Lesbian, Gay, Bisexual-self-designation as either lesbian, gay or bisexual -emotional relationship with member of same sex- involvement in a LGBTI network and so on.

In most cases, and especially in developing nations, due to unfavourable social environments dominated by patriarchal, heterosexist norms that in turn generate homophobia and establish compulsory heterosexuality people looking for same sex sexual relationships will make adjustments. These adjustments will depend very much on contextual demands and available opportunities. The development of sexual identities, especially homosexual identities thus produces stresses of different forms and as a consequence a wide range of ad hoc coping strategies and processes.

Even if the final outcome of this awakening process is not wide public recognition of divergent sexualities or non-normative gender behaviour, the realisation that there is a difference if not managed constructively and with peer support can often lead to an internalisation of the negative perceptions that the wider society has constructed regarding the LGBTI community. The lack of positive role models in the media and in popular forms of entertainment can often compound these negative and self depreciating notions.

Those that decide to “come out” can often face rejection from family and friends which can again lead to negative psychological affects. In societies where more emphasis is placed on social rather than personal identity rejection can often be a very serious issue indeed. Feelings of loneliness and isolation can often lead to behaviours that can negatively impact on both personal and organisational security. One of the perhaps most common is the “everything is ok syndrome” where after all the pains of coming out and the struggles with communities, family and friends, LGB people often refuse to admit that things are not okay. In terms of security planning denial that things are happening to us or our organisation, pretending that society has accepted us and consequently ignoring security incidents could place both us and our colleagues at risk.

Prevailing social attitudes to LGB relationships can also lead to constant feeling of rejection i.e. in a society where premarital sex for women is taboo but almost expected of the young male population, young men will often form relationships with other men, transgender people and sex workers. The temporary nature of these relationships and almost fatalistic idea that they will come to an end can often lead GB persons to a life of promiscuity or to form destructive relationships in which abuse is often common. The secrecy or rather invisibility surrounding lesbian relationships can produce very similar consequences.

Many different forms of relationships co-exist within the LGB spectrum. It is not the purpose of this manual to look in depth at the types of relationships that LGB people develop rather to look at the possible negative impact these relationships can have on the security of defenders and their organisations. Egalitarian relationships between same sex partners can often be a support mechanism for the defender yet due to prevailing societal values and the degrees to which homophobia and gender identity discrimination has been internalised relationships based on the notion that one partner is superior to the other also develop. Ability, age, wealth, caste, class, race etc. can often determine the sexual roles in the relationship and often do not provide any sort of support mechanism to the defender especially if the defender is considered the inferior partner. Many of the supposedly inferior partners for example would not have the space to demand safe sex even if their partner has many other sexual partners.

LGB Defenders are also individuals who employ various different ad hoc coping strategies in order to overcome feeling of rejection and persecution. As highlighted before drinking, drug abuse, looking for solace in destructive relationships and promiscuity can often have detrimental effects on both personal and organisational security.

In a recent training given to LGBTI defenders it became obvious the prevailing attitudes of “respectability” had been internalised by the defenders themselves. On discussing the sexual violence being carried out against defenders as a systematic form of repression the group was divided on whether forms of dress and behaviour could actually “invite” the attack. Self blame is one of the physiological effects of sexual violence which often aims at breaking a person. In security terms

the act of self blame can have major implications as it can prevent the person from disclosing security incidents thus preventing any reaction from other defenders or the organisation and it also displays a lack of understanding of the way actors can often develop systematic forms of repression preventing a more political response to their actions.

Key factors or events in life can have psychological effects and our ad hoc coping strategies can have a negative or positive impact on security

Short Exercise:

-in groups try and establish the inter-relationships between these events, your ad hoc coping strategies and your personal or organisational security. What is important to remember is that our ad hoc coping strategies are choices, even at time when we may perceive there to be no other option, we still make the choice to go for one strategy or another. This idea of choice is important when it comes to assessing the decisions that we take and how they can affect our own or our organisational security and how we can go about making changes to those decisions.

Ad hoc coping and response strategies

Defenders and groups under threat use different ad hoc coping strategies to deal with the risks they perceive as facing. These strategies will vary a lot depending on their environment (rural, urban), the type of threat, the social, financial and legal resources available, etc.

Most ad hoc coping strategies can be implemented immediately and in response to short term objectives. They will therefore function more like tactics than as detailed response strategies. Most strategies also respond to individual people's subjective perceptions of the dangers involved in human rights work and could at times cause the group some level of harm, especially if the strategies used cannot be reversed.

Ad hoc coping strategies are closely related to the type and severity of threat and to the group's capacities and vulnerabilities.

When thinking about security and protection you must take into account both your own and other people's ad hoc coping strategies. Reinforce the effective ones, try to limit harmful ones and try to respect the remaining ones (especially ad hoc coping strategies linked to cultural or religious beliefs).

Some ad hoc coping strategies:

- Reinforcing protective barriers, hiding valuables. Avoiding behaviour which could be questioned by another actor, especially if control of the territory

where you are working is under military dispute.

- Going into hiding during high risk situations, including in places that are difficult to access, like mountains or jungle, changing houses, etc.
- Sometimes entire families go into hiding, and sometimes just defenders.
- Hiding could take place at night or go on for several weeks, and might involve no outside contact.
- Looking for armed or political protection from one of the armed actors.
- Suspending activities, closing down the office, evacuating. Forced relocation (internal displacement or as refugees) or going into exile.
- Relying on “good luck” or resorting to “magic” beliefs.
- Becoming more secretive, including with colleagues; going into denial by refusing to discuss threats; excessive drinking, overwork, erratic behaviour.

Defenders also have access to response strategies. These can include issuing reports to publicise a specific issue, making allegations, staging demonstrations, etc. In many cases these strategies do not amount to a long term strategy, but respond to short term needs. In some cases the response strategies might even create more security problems than those they were intended to address.

When analysing ad hoc coping and response strategies, take the following into account:

Responsiveness: Can your strategies respond quickly to individual or group security needs?

Adaptability: Can your strategies be quickly adapted to new circumstances, once the threat of attack is over? A defender may have several options available, for example to either hide or to live at other people’s houses for a while. Such strategies may seem weak or unstable, but often have great endurance.

Sustainability: Can your strategies endure over time, despite threats or non-lethal attacks?

Effectiveness: Can your strategies adequately protect the people or groups in question?

Reversibility: If your strategies don’t work or the situation changes, can your strategies be reversed or changed?

The following table below outlines some major factors in our lives, the psychological effects that they can produce and some examples of ad hoc coping strategies that defenders working for the human rights of the LGBTI community have implemented²¹. It

²¹ Adapted from *Social Work Practice and Men Who Have Sex With Men*, Sherry Joseph

also aims at outlining how the way we cope with various events in our life can affect our security. The table does not aim at establishing what is right or wrong but aims at the highlighting possible consequences of our actions.

Psychological effects	Ad hoc coping responses that could have a negative impact on security	Ad hoc coping responses that could have a positive impact on security
Societal homophobia and prejudice		
Shame, secrecy, guilt Anti-homosexual bias Confusion, denial, self-hatred Isolation (...)	Internalised homophobia Tolerate discrimination and abuse Use of internet sex/ dating sites Drug and alcohol abuse Lack of confidence and self respect Destructive relationships with partners who either only want sex or money (...)	Identify favourable support systems Seek information Network and support group (...)
Labelling by others		
Emotional and social rejection Isolation and withdrawal (...)	Self-blame Accept/ neglect labels Lack of confidence and self respect Destructive relationships with partners who either only want sex or money Withdrawal from professional life or education (...)	See self clarification Dancing, singing performing in public places (...)
Family environment		
Individual identity subsumed in family identity Affects of parental reaction to coming out (...)	Non disclosure to family Self-blame Sacrifice personal needs for the family needs Lack of confidence and self respect Destructive relationships with partners who either only want sex or money (...)	Seek for support and ways to approach the subject with parents and family. Acceptance that different opinions exist and that it takes time to change mentalities and in the meantime working to improve both personal and organisational security. (...)
Marriage		
Affects of Familial and societal pressure (...)	Marry and lead double life Coming out in the family Remain unmarried and face eventualities (...)	Coming out in the family Remain unmarried and face eventualities (...)

Sexual orientation and identity		
Perceived change in sexual orientation Incongruence between private and public sexual identity Fear of rejection/abandonment if come out (...)	Come out in public/ visibility (...)	Seek information Seek help from public support systems Come out in public/visibility (...)
Sex and sexual health		
Pressure due to lack of safe space Exposure to health risks and /or violence because of Anonymous partners Fear of being identified/ perceived risk of identification as different (...)	Less intimacy and multiple partners Lack of confidence and self respect Destructive relationships with partners who either only want sex or money (...)	Seek help and Information about health related issues (...)
Intimacy and coupling		
Social and legal disapproval Sexual infidelity (...)	Sexual non-exclusivity (...)	Emotional and affectionate relationship Cohabitation/ living apart (...)
Networks and support groups		
Diversity of social and sexual preferences and interests (...)	Infighting (...)	Self-enhancement of norms and values (...)
Anti-gay violence/ "Hate Crimes"		
Physical and sexual violence Harassment, blackmail, extortion (...)	Tolerate abuse and discrimination Drug and alcohol abuse Lack of confidence and self respect (...)	Seek help from support systems (...)

In a sense our actions have consequences. Some of our actions can have a positive impact on our security, forming and maintaining networks for example can offer support and advice in times of need. Isolation or avoidance of other LGBTI people due to fear of outing through association can have a very detrimental effect on not only psychological well being but also on an individuals security. In reality we are always going to employ ad hoc coping strategies that do both. What is important is that we acknowledge that we are responsible for our actions and that we do have a responsibility for the security of others.

Chapter Eight

Sex Classification, Gender “Normativity”, Transphobia and the impact on Trans and Intersex people and our security.

Contributed by Reese C. Kelly²²

This chapter is an exploration of how sex classifications (and reclassifications), gender “normativity”, and transphobia can present challenges in our daily lives, security issues for Intersex and Trans individuals and how these challenges and security issues can be exacerbated for individuals and organisations working on SOGI rights.

There are different ways that trans people come to understand and embody their trans identity. In general, there are two ways in which this process of self-recognition can occur, although there are many deviations to these and these two processes are not mutually exclusive. On one hand, this process for trans people is one of recognizing that their appearance, embodiment, and/or behaviors do not match the gender they see (and know) themselves to be. Whilst some individuals say that they have felt like they were “in the wrong body,” more people characterize this experience as feeling like their bodies or appearances were a barrier or limitation to how people interpreted their gender. In other words, it may be that a trans man’s high voice or large breasts prevent others (and himself) from perceiving and treating him as a man.

Decisions around pursuing hormone treatment and surgery then isn’t necessarily a reflection of bodily hatred or dysphoria or any other “illness”, but a desire for the body to match both an individual’s gendered sense of self and to receive the proper recognition from others.

On the other hand, some people come to their trans identity through developing a social and political consciousness around gender. They aim to challenge and subvert gender norms through changing their appearance, behaviors, and/or body. Nevertheless, there are a great number of individuals who share these experiences and feelings, but chose not to socially and physically transition out of fear of discrimination, lack of social and emotional support from friends and family members, and/or the inability to access or afford gender confirming medical care.

Before we attempt at defining relevant concepts and terminology, this chapter will try and outline the “commonly” held beliefs in regards to sex and gender.

²² This chapter was adapted from the original submission by Reese C. Kelly . You can contact Reese via <http://www.youtube.com/reeseekelly>.

In most cultures it is currently assumed and often violently enforced that there are ONLY two sexes - male and female-the binaries we have discussed so often before.

Individuals sexed male at birth identify as men and express themselves in ways that are deemed masculine; stereotypical examples of masculine traits would be: aggressiveness, competitiveness, ambition and dominance.

“A man sits with his legs apart crossing them would be considered feminine”

Individuals sexed female at birth identify as women and express themselves in ways that are deemed feminine; stereotypical examples of feminine traits would be kindness, sympathy, and passivity.

“Work on getting those feminine mannerisms and gestures down... remember the key is delicacy”

Male and female, man and woman are assumed to be permanent and stable categories. These same assumptions insist that you cannot cross from one to the other or live as neither, both or other. Any deviations from these assumptions or “norms” are deemed unnatural, deviant, pathological.

This set of assumptions and norms is often referred to as gender “normativity”. In most countries there are laws and social sanctions that regulate or even explicitly forbid any “transgressions” from these norms. Expectations and rules regarding gender normativity are often exceedingly enforced in highly hetero-normative cultures, as the belief that reproductive heterosexuality is natural and normal is rooted in seeing men and women as opposite and complementary reproductive partners. Defenders working on SOGI rights often come up against this argument of “what is natural and what is not” not only from society in general and policy makers in specific, from the mainstream defenders, men and women, but also from their colleagues within the LGB movement who have chosen a path of homo-normativity i.e. adoption of hetero-normative values in order to gain “acceptance” of their lives. The existence of trans and intersex people, people who do not fit into either category either out of choice or because the option is not available challenges this “normativity” whether it be hetero or homo.

As much as transphobia and fear of intersex exists in our hetero/homo-normative communities, homophobia exists with the trans and intersex communities. Agendas may be different but our prejudices need to be overcome if our umbrella is to stay/become a mechanism for our protection.

These “norms”, assumptions and the discrimination that emanates from them are on the whole universal. However, it is important to recognize that some cultures have more than two genders and that what constitutes man/woman and masculine/feminine are

contextually specific. Furthermore, in some highly hetero-normative countries where consensual anal penetration between two members of the same sex is a capital offense, transsexuality is legal and state subsidized. In this case, crossing from one sex to the other is sanctioned in so far as it reinforces the appearance of heterosexual coupling. In countries such as Iran where this seems to be the case reports have also come to light that in order to avoid the death penalty for same sex activity people have “chosen” to under go sexual reassignment surgery.

As this manual was under going revision the European Union finally approved its Charter that establishes a whole series of legal protections of rights for those born in EU Member States. Discrimination of the grounds of sexual orientation is now prohibited in all EU Member States. Allowing individual member states to legally define their own minorities could provide a loop for those who resisted any mention of sexual orientation in the Charter. The issue here is that the EU did half a job. We don't get discriminated against in the main because of our sexual orientation. Many L, G and B go to great lengths to ‘pass’ as heterosexuals, some would argue because of the discrimination they face if they were to “come out”. In the street we don't get insulted because of what we do in the privacy of our homes we get insulted and attacked for the non-normative gender behaviour that we express. In some cultures, deemed rather ironically as “homo-social” by academics men can kiss, walk hand in hand and even bath together. What is forbidden is to show any signs of what is considered effeminate behaviour. In Mexico according to one particular social commentator you are not “gay” if you are the active partner, your only “gay” and therefore subject to discrimination if you take the feminine i.e. passive role in sex. The point of all this it's the way people “read” us that often invites discrimination and violent attacks. This should be recognized by the policy makers in the EU and given people the opportunity to gain protection from the law for attacks generated by people's, fear of non-normative gender behaviour, not only their sexual activity.

Concepts and Terminology

Intersex: a term used to describe a variety of conditions in which a person is born with reproductive and/or sexual organs and/or hormone levels that fall outside of the normative standards for males or females. It is a socially constructed category that accounts for variation in sexed bodies. Rather than being identifiably one of two distinct sexes (male or female), **ALL** individuals fall within a spectrum or hybridity of maleness and femaleness. For example, we vary greatly across sex characteristics such as body fat percentage and distribution, bone structure, density and location of body hair, as well as size and shape of gonads and genitalia. However, certain bodily configurations that blur the boundaries between male and female to a greater extent, that evidently challenge our binary thinking and prejudices, have been deemed conditions to be “fixed” through hormones and/or surgery – intersex bodies.

Intersex conditions occur in approximately 1 in 2,000 births. Some conditions are recognizable at birth such as Congenital Adrenal Hyperplasia (CAH) in which females are

virilized in-utero and are born with significantly larger clitorises, occurring in approximately 1 in 20,000 to 1 in 36,000 births. Other conditions, such as Androgen Insensitivity Syndrome, where an individual is born with female genitalia, but male gonads, also occurring in about 1 in 20,000 births, often goes undetected until puberty. Many individuals who are labeled intersex at birth undergo non-consensual surgeries to “fix” their genitalia and/or reproductive organs to more closely match a “normal” male or female body.

Despite the relatively universal consensus in the mainstream that intersex children must be hormonally or surgically “corrected,” there are no national or international standards that govern what interventions are used. In the end, decisions are made by individual doctors, with coerced consent from parents, and tend to reflect societal standards of gender and sexuality. The landmark ruling of the Colombian Constitutional Court 1999 was made to redress the possibility of coercion and the prevailing need to “fit” the binary.

Infants born with a phallus deemed too small for penetration or inoperable for urination whilst standing are often surgically and hormonally constructed into females. Similarly, females born with a large clitoris, especially one that may be used for penetration, frequently undergo a clitoral reduction, recession, or removal. These “corrective” surgeries serve to reaffirm our belief that there are only two sexes, and leave many intersex individuals with permanent sexual and psychological trauma. Dealing with trauma either in the people we work with or our own as we campaign for our rights is very difficult. Cases brought against perpetrators can often drag on for many years and require repeated public appearances. People suffering from trauma brought about by having surgical procedures done to them without their consent or having taken hormones after being convinced that they needed to “fit” and finding out the effects are in some way irreversible could find the pressures of legal battles, of repeated public appearances, might see it as a way of dealing with their trauma. Subjectivity can lead to extremes where ever we place ourselves along the lines of these extremes specific protection and security measures and contingency plans need to be developed that take the element of uncertainty, that trauma is, into consideration.

Superstition, traditional belief systems and in some cases practices and custom that stem from conservative religious beliefs can generate negative responses to the birth of intersex infants. In some societies the practice of infanticide of intersex infants is common as they are viewed as bringing shame to their families. LGBTI organisations that are working within these communities need to be aware of the prevailing “norms”. How would we deal with accusations of witchcraft or evil doing from communities that see the birth of these children as a bad omen or shameful? Could our interventions be interpreted by the communities as unwanted and generate a more violent response? Our security strategies need to account for the context in which we operate and not all of us work in societies free from superstition and feudal traditions.

Trans people: a term used to describe individuals who have moved away from the gen-

der that is traditionally associated with their sex designated at birth. For many individuals this means that the sex they were assigned at birth is an incomplete or inaccurate representation of how they see themselves. What trans individuals do as a response to the discordance between their perception of self and the way others perceive them varies greatly, which will be discussed below. Taking on a trans identity is also hailed by some as a political act whereby one's expressions, identification, and embodiment challenge normative conceptions of sex, gender, and sexuality. There is no monolithic or universal way to be trans and the descriptor, much like the categories it encompasses, is constantly in flux.

The term trans is often used to include, but is not limited to, the following: hijra, fa'afafine, transgender, genderqueer, meti, transsexual, kathoey, bakla, two spirit, third gender amongst others. The labels we give ourselves can have no "right" or "wrong" way to be "trans". It is when these labels are imposed upon us that there is a need to look further beyond this process and find new ways to reclaim our identities.

Transitioning is the process of socially and/or physically moving away from the gender associated with one's birth sex. Transitioning takes on a variety of forms. Some individuals may live as a different gender without changing their bodies at all. For others, many of which self-identify as transsexual, they desire to cross from one sex to the other through utilizing hormones and gender confirming surgeries. Nevertheless, the majority of trans individuals do not undergo genital reconstruction surgery, some out of choice and some out of inability to afford it or that the possibility does not exist legally or medically in their countries of origin. Therefore, a great number of trans individuals embody the "in-between" or a combination of the categories prescribed to male and female.

Cis people: non-trans individuals. Latin derived "cis" meaning "on the same side," often used as "cisgender" or "cissexual," refers to alignment of one's gender identity and sex assigned at birth.

Sex Classification

One of the primary regulatory forces affecting the lives of trans and intersex individuals is the medical and legal sex classification system. In most countries, birth registries or other vital statistics records require sex designations - either male or female. Thus, from infancy individuals are expected to fit into one of these two categories and to remain identifiably as such until death. Some countries have created policies whereby individuals can reclassify their sex on some or all of their identity records. In order to do so trans people must start by having their gender identity "authenticated" by medical professionals, and are commonly forced to take on a medical diagnosis of gender identity disorder, gender dysphoria, or transsexualism. Obvious in its violation of our rights to privacy the pathological categorization of our bodies and our identities can have adverse effects on

our self-esteem again creating consequences when responding and coping with actions taken against us as defenders.

Having one's gender identity validated by a medical professional may be enough to change the sex marker on identity documents in some cases. However, many laws and policies require hormone treatment, the surgical removal of reproductive organs, and the reconstruction of genitalia in order for trans individuals to reclassify their sex.

There are many problems with these policies. Namely, they mark trans people as pathological, as incapable of determining their own gender, and they deny trans people the right to modify their bodies as they see fit. Furthermore, only a handful of countries subsidize the medical process of transitioning for trans individuals. As a result, the majority of trans individuals are left to finance the process of physically transitioning on their own. We have looked at before the complications that can arise where people are peer educators by day and entertainers/sex workers by night because of how wider society will perceive them.

The majority of trans people, however, are left in a situation where they are unable to access gender confirming hormones and surgeries, and unable to acquire identity documents that match their lived gender.

The inability to reclassify one's sex status presents many challenges for trans individuals and defenders who need accurate identity documentation to access social services, education, to travel internationally or domestically, and to be legally employed. The following are suggestions for trans individuals who are negotiating these situations. These are not to be taken as legal advice nor should they be interpreted to mean that trans individuals should attempt to circumvent or deceive administrators or security personnel in any way. The goal is for individuals to be able to soundly prove that they are who they say they are, and to avoid unfair and potentially dangerous scrutiny or harassment.

- When possible, aim for consistency in the name, gender, and appearance across all identity documents even if the gender marker does not match the individual's gendered appearance. The name you use on the administrative form must match the name on your identification. Inability to change the gender marker does not mean one should avoid travel, employment, or accessing social services. In many cases administrators and security do not pay close attention to the gender marker. However, discrepancy or inconsistency in any form may cause an individual to be "outed", which may result in violations of the rights to privacy, not to be discriminated against and possibly trigger harassment or violence and in the worst case scenario secondary or re-victimization if the person is already reporting a crime.
- Pictures should be updated and reflect how the individual will present when using the documentation.

- Be aware of administrative rules regarding documentation. Can you seek services, employment, or travel with minimal documentation? Can a credit card or school ID that is more easily changed and does not have sex markers replace government forms of identification? Remember, however, that the more unusual the ID, the more likely we may come under scrutiny.
- In order to avoid the amount of interaction with personnel who may ask for identity documentation, use self-service kiosks or the Internet when applicable.
- Be aware of clothing, behaviours, and anything about your presentation (and companions) that may elicit unwanted attention. Similarly, be aware of items that are prohibited in your location or mode of transportation (pets, firearms, bags, electronic devices, etc.).
- Carry an explanatory note from a physician, therapist, or other authority figure explaining why you may not match the information on your ID. Also, if you are traveling (especially internationally) with medication and/or syringes on your person have with you either a prescription or note from a physician.
- For more information and tips consult E-How and specifically this link: <http://www.thestar.com/travel/article/680107--border-skirmishes>

Internalized Transphobia and Gender Policing

Recognizing and acknowledging our discomfort around trans individuals and non-normative gender expressions is important to providing protection as well as understanding and tolerance towards trans individuals. In other words, it is important to see how we have all internalized transphobia. This often overlaps with our internalized homophobia and misogyny, which is illustrated by the fact that the primary targets of gender policing and violence are often trans women or those who are read as effeminate men.

Activity – Gender Norm Violation

Conduct a gender norm violation (within reason and accounting for safety) by dressing, appearing, or behaving in a way that is different from your usual gender presentation. Examples may be wearing your hair differently, shaving (or not) certain body parts, or eating a different type or portion of food. The key is to aim for subtlety for a large change may be taken as a joke. Reflect on your experience (possibly in a larger discussion with others) Ask yourself: How did it feel to break the gender norm? How did others react? What does this teach us about the power of gender expectations and gender policing (internal and external)?

Offering Support

There are many ways that we can offer support for trans and intersex individuals. The first and foremost method of support is to acknowledge and validate everyone's personal gender history, identity, and expression. We can do this by letting people tell their story and by not holding them to arbitrary standards of male/female, man/woman, or even trans. This is also accomplished by asking individuals how they prefer to be addressed

and to continue to use their preferred names and pronouns. In our organizations and buildings, we can create spaces for individuals of all genders to feel safe. This can be done by changing men's and women's only facilities (bathrooms, changing rooms, and shelters) to mixed or all gender spaces. We can also lend our support by accompanying trans individuals to locations where we know challenges may arise in order to ensure security and fair treatment.

A large intergovernmental Fundamental Rights Agency recently organized a conference on regional fundamental rights. On the registrations form it asked the participants their sex M or F. We had to write in the box a F or a M. Fundamental rights to privacy then being violated before the conference had started. Binary definitions that could exclude some people and make the space “unsafe”. Rooms were not being shared so why did this agency need to know what sex their participants were going to be. Even if rooms were being shared and there are concerns around not asking people who feel uncomfortable sharing a room with someone of a different sex or gender identity then language can be nuanced to avoid such discriminatory practices.

What about other dignity at work policies? As human rights organisations do we have them? When a trans staff member goes on mission do they share a room with other staff members even if that person is not “out” as trans to the majority of their colleagues? How do we keep personnel files? Who has access to the most private of information about us as individuals in our place of work are some files kept confidential? Are there legal requirements to keep the old records of staff member pre-transition? If not do we still keep them? Do we employ gender-neutral pronouns in our job advertisements that would encourage trans staff to apply? Does the process of transition mean extra days off work? Do those days go down as sick days, potentially “pathologicalising” that staff member's experience in the eyes of their colleagues? Discussions on these issues need to happen and need to be drafted in a dignity at work policy that creates this safe space for trans and intersex people.

Dignity at work is protection in itself

Chapter Nine

Security and protection from violations carried out by private actors and in situations of armed conflict, civil unrest and violent demonstrations by non-state actors.

This chapter aims to outline current debates amongst human rights experts and practitioners regarding the responsibility of States for violations carried out by non-state or private actors. Much of the debate has centred on the role and responsibility of Multi-national Corporations (MCs) and their actions in third countries. Much of the work currently being done is to try and establish States responsibility in controlling MCs activities in accordance with international conventions on human rights. Most of us are aware of the violations of social, economic and cultural rights carried out by MCs in developing nations. One of the negative consequences of globalisation is the weakening of State authority over MCs and the international community's slow response to adapting principles of international law to accommodate this change in the power structures.

Private Acts and State Responsibility:

For the purposes of this manual, however, we are going to look at the provisions under international human rights law for establishing state responsibility in protecting the LGBTI community and those that defend SOGI rights from violations carried out by private actors. It is interesting to note that one of the standard text books on international law recommended for law students and that forms part of the Cambridge University's special low price editions programme in order to increase accessibility for developing nations, International Law/ Malcolm N Shaw 5th Edition does not even include the word homosexuality in all of its 1288 pages. The Yogyakarta Principles (the principles), 2007, are an attempt to redress this international oversight collating various different international human rights principles and applying them to the LGBTI community. Though non-binding i.e. left to the discretion of states to adopt the basis for these set of principles is the right for everyone to live free from discrimination and that right is established under international law and is binding i.e. States who have ratified international conventions that prohibit discrimination are under obligation to incorporate anti-discriminatory provisions into national or domestic law.

“Noting that international human rights law imposes an absolute prohibition of discrimination in regard to the full enjoyment of all human rights, civil, cultural, economic, political and social, that respect for sexual rights, sexual orientation and gender identity is

integral to the realisation of equality between men and women...”²³

The Principles also go on to address questions of accountability and that no violation perpetrated against someone for reasons of perceived or actual sexual orientation or gender identification should go un-investigated and unpunished.

Though the principles quite rightly establish accountability for crimes against the LGBT community they fail to recognise State’s responsibility when violations are carried out by private actors. UN declarations preceding the principles have clearly attempted to include private acts under international law.

The Declaration on the Elimination of Violence against Women, provides

“... that states have the duty to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons”.²⁴

And according to Committee on Elimination of Discrimination Against Women, CE-DAW.

“Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.²⁵

With respect to violations of economic, social and cultural rights by private actors the Maastricht Guidelines are explicit when stipulating that states are responsible for violations of economic, social and cultural rights **‘that result from their failure to exercise due diligence in controlling the behaviour of such non-state actors’.**²⁶

What is clear then is that states **DO** have a responsibility both to eliminate all forms of discrimination from domestic and customary law and through education and practice from wider society. States also have a responsibility to ensure due diligence in the investigation, punishment and remedies offered to those victimised by violations carried out by private persons or actors.

²³ Yogyakarta Principles Preamble

²⁴ Article 4

²⁵ CEDAW, General Comment 19: Violence against Women, [9] as contained in UN DocA/47/38 (1992):

²⁶ Maastricht Guidelines, No 72,

Due Diligence requires positive steps on the part of the state to prevent the violations, control and regulate private actors, investigate and, where applicable, prosecute and punish occurrences of violations, and provide effective remedies to victims. The jurisprudence establishes that due diligence is essentially about the reasonableness or seriousness of the measures and steps taken by the state. Thus, the state is responsible for private actions resulting in human rights violations if it fails to take reasonable or serious measures to prevent violations or respond to them.

As we have seen in the section on Legal Provisions for the protection of the LGBTI community, domestic legislation is often drafted and enacted to support the dominant patriarchal value system that in turn supports hetero-centric notions of family and binary definitions leading to a discriminatory interpretation of both domestic and customary law.

The LGBTI community then faces the challenge of proving state responsibility in cases of violations against its members. If the way laws are interpreted often leads to the re-victimisation of the victim or the state and its agents refusing to recognise its responsibility due to the fact that violation was carried out in the private sphere as a private act, the LGBTI community must develop its capacity and understanding of state responsibility.

Human rights generate three levels of duty for the state: to respect, protect and fulfil human rights.

The relevant duty for our purposes is the duty to protect. This duty obliges the state to take positive action to protect citizens and other people within its jurisdiction from violations that may be perpetrated by private actors.

Article 2 of the International Covenant on Civil and Political Rights defines the State's responsibility in two branches. The first is the duty to take preventive measures against occurrences of violations of human rights by private actors. The second is the duty to take remedial measures once the violations have occurred.

In short what is meant or what can be gleaned from the obligation to take positive action is in the first instance the drafting and enacting of domestic legislation that protects the LGBTI community from ongoing violations and ensuring an end to impunity for such crimes, and as the Principles state develop and implement education programmes that will in the long term decrease the levels of hostility and consequently the level of risk that the LGBTI community faces.

Example:

Background:

The Convention of the Rights of the Child, CRC, refers to the right to Freedom of Expression as the requirement that children be protected against discrimination on grounds such as race, sex, religion, national or social origin property or birth. It states that responsibility for guaranteeing the necessary protection lies with the family, society and the state although it is primarily the responsibility of the family.

The Yogyakarta Principles go on to define freedom of expression as “everyone has the right to freedom of opinion and expression regardless of sexual orientation or gender identity. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name or any other means as well as the freedom to seek, receive and impart information and ideas of all kinds including with regard to human rights, sexual orientation and gender identity through any medium and regardless of frontiers.”

Case Study 1:

A young (under 18) member of the LGBTI Community working voluntarily for a LGBTI organisation as a peer group educator is receiving psychological pressure in the form of threats and abuse (sexual harassment) from their family because of their open display of their sexual orientation and because they have decided to work publicly for the prevention of HIV/AIDS with a renowned LGBTI organisation. Currently a Bill is being discussed for the prevention and punishment of domestic violence that includes psychological abuse and trauma. Same sex sexual relationships are still illegal in the country. Under the provisions on the CRC and the Yogyakarta Principles what can be done to build a case firstly against the family (prime responsibility) for the ongoing abuse and sexual harassment and secondly against the state (duty bound to protect psychological integrity of the child-CRC) should the family refuse to stop its abuse?

Case Study 2:

Using the ruling by the Colombian Constitutional Court, 1999 that developed the concept of Qualified, Persistent and Informed Consent and the non-discriminatory principles enshrined in the CRC what could be done to prevent family members from giving consent to “corrective” and irreversible treatments that deny an individual the right to the free development of their own person. What measures should the state take or be expected to take to prevent these rights from being violated. Similarly what measures should the State take to provide remedy to those who have had their rights, bodies and lives altered without their consent.

Violations in situations of conflict, civil unrest and violent demonstrations:

International Law is very clear about the responsibilities of State and Non-State actors in waging war. International Humanitarian Law and its optional protocols provide a sound basis for those organisations wishing to hold both the State and non-state actors accountable for the human rights violation they commit in the name of war. The common denominator here is a recognised situation of conflict. The Current debates in the light of

the responsibility of private actors is whether non-state actors can also be held directly accountable for human rights violations in situations where either the situation has not been recognised as a conflict, or when insurgencies do not meet internationally recognised standards to attain the status of armed opposition groups, namely the occupation and control of territories inside the national boundaries.

What is of importance here is that LGBTI groups are often targeted by non-state actors who in an attempt to occupy and control areas of the national territory will often impose rigid social controls over the population. We have seen that notions of nation building that can crudely be described as viewing sex and sexuality in terms of reproduction often target what they consider divergence from this norm. The more prolonged the conflict the more rigid these social controls become. The right to freedom of expression and opinion is often violated through the imposition of standard social behaviour such as dress codes, religious practice, and ideological indoctrination. Experience would suggest that “revolutionary ideology” born out of hetero-centric notions of patriarchy often reflects the societal values it seeks to challenge.

LGBTI organisations and individuals are often targeted then by both sides of a conflict as a means of eliminating any form of dissent and perhaps more perversely to gain support from the “traditionalist” elements prevalent in our societies. Some attribute what is happening to gay men in Iraq as a consequence of this traditionalist “positioning”.

The ongoing debates in applying human rights standards could in effect give LGBTI organisations space to exert pressure on insurgent groups to respect the rights outlined in international law and collated in the Yogyakarta Principles. The continuing debate over the actions of private actors could also through the notion of state responsibility allow LGBTI organisations to invoke protection from the state in situations of civil unrest and during violent demonstrations.

NOTE: The response from the state cannot be guaranteed. Networks need to be developed in order to “encourage” States to respond.

Practical Steps to improve your security in situations of conflict, civil unrest and violent demonstrations in the absence of State protection:

1. If you are established in an area where civil unrest is common, you will probably have developed many of the contacts necessary to protect yourself, your “family” and the people you work with while you try to continue working.
2. However, if you are working in an area of civil unrest/armed conflict/common crime where you are not based, you must keep three things in mind from the start:
 - What level of risk are you prepared to accept? This also applies to the individuals/organisation you are working with.
 - Do the benefits of you being in the area outweigh the danger? Long-term human rights work cannot be sustained at the cost of greater

exposure to high risk.

- Simply knowing the area will not protect you if you are attacked.

Adapt your behaviour in order to prevent being affected by potential dangers and to react appropriately if something happens.

The threat of being attacked during situations of conflict, civil unrest and violent demonstrations:

Types of attack

1. In areas of territorial dispute between state and insurgent forces ie open conflict you could be exposed to rifle and machine gun fire, etc. Fire can be more or less targeted, ranging from a sniper or helicopter in good visibility to directed mortars or artillery barrage. It can also be of the saturation variety, intended to raise an entire area to the ground. The more targeted the fire is, the less risk you run - as long as the fire is not directed at you, the general area you are in or a neighbouring area.
2. In situations of civil unrest you could become the victim of an attack on your office by the local community by throwing stones, sticks etc and effectively blockading or laying siege to your office. Outreach workers working in the community could be especially at risk during situations of civil unrest and reviewing the necessity of your working during these periods should be paramount.
3. Violent demonstrations are often unannounced and can happen at any given moment in situations where villagers and local communities are accustomed to taking the law into their own hands. Your offices may become targets during these demonstrations especially if the work you are doing or the organisation is not regarded positively by the neighbouring community. Outreach workers could again find themselves in the wrong place at the wrong time and become victims of attack.

In all three scenarios remember that political opponents of your organisation can utilise the lack of public security to attack your organisation.

Taking precautions: Reducing the negative impact of an attack

1. Avoid dangerous places:
 - Avoid basing your office in combat areas or areas in dispute, avoid, as much as possible prolonged presence near possible targets of attack,

such as a garrison or telecommunications installation. The same applies to strategic areas such as approaches to and exits from urban areas, airports or vantage points controlling the surrounding area such as bridges.

- Review your activities according to the political analysis you have of the area. If your analysis would suggest that either the conflict or the period of civil unrest is going to carry on for a while then review the necessity to carry out your activities in that area. Outreach activities can be particularly at risk during these periods of unrest.
- Demonstrations can happen overnight, violence can break out either as a response to state repression or because of a clear strategy of the agitating groups in order to attract media attention. Assess whether it is necessary for your organisation to be carrying out activities in the area. Draw up an emergency plan in order to be able to protect your colleagues should they find themselves trapped by a violent demonstration and also draw up plans in order to protect the office should it become the focus of such violent attack.

2. Find adequate protection from the attack:

- Glass flying from nearby windows is one of the main causes of injury. Boarding up windows or covering them with adhesive tape can reduce the risk of this happening. In case of attack, move away from windows and seek immediate protection on the floor, under a table or preferably in a central room with thick walls, or, even better, in a basement.
- Sandbags can sometimes be useful, but only if other buildings are equipped with them too - otherwise you risk attracting unnecessary attention.
- If there is nothing else available, the floor or any depression in the ground can offer at least partial protection.
- A simple brick wall or car door will not protect you from rifle or heavier weapons fire. Shelling and rockets can kill at ranges up to several kilometres, so that you don't need to be very close to where the fighting is to be hit.
- Fire Extinguishers placed strategically in the office and in good working order can prevent damage caused by fire bombs or lighted torches being thrown through broken windows. Staff need to be trained in the use of this equipment.
- Bomb or mortar explosions can damage your ears: Cover them with both hands and open your mouth partially.
- Obvious identification of your headquarters, location or vehicles can be useful, but be aware that this only applies where attackers usually respect your work. If this is not the case, you will be exposing yourselves unnecessarily. If you wish to identify yourselves, do so with a flag or colours and signals on walls and roofs (if there is a risk of air attack).

3. Travelling in vehicles

- If your vehicle is being fired on or if people are throwing stones at it making any form of security assessment is going to prove very difficult indeed. Possible action in this case needs to have been discussed prior to the activity and included in your emergency planning. STOP VEHICLE, GET OUT AND TAKE COVER!
- In general, it is useful to assume that the vehicle is or will be a target, and that the correct thing to do, therefore, is to get out and seek cover immediately. A vehicle is a clear target. In the event of an attack on the vehicle you are exposed to injuries from flying glass or exploding fuel tanks, in addition to the direct fire. If the fire is not too close, try to continue travelling in the vehicle until you can take cover somewhere close at hand.
- If your vehicle is surrounded by demonstrators then you will need to assess whether it is possible to proceed slowly or whether it is advisable to stop. Trying to proceed could anger the demonstrators and escalate any violent reaction.
- Unless you are sure your organisation has sufficient legitimacy and recognition in the community do not approach a demonstration that has blocked the road. Remember even UN vehicles have been attacked during very agitated demonstrations.

Chapter Ten

Security of communications and information technology²⁷



(With the collaboration of Privaterra –www.privaterra.org)

We are now going to look at how to manage the information we have in a secure fashion. Practical examples of how to improve the way we communicate will be given in this chapter but for more information please check other with other organisations such as Privaterra and Frontline Defenders. In parts the information in this chapter can become quite technical and for some of us difficult to understand. There are people in our organisations that do have the capacity to understand these rules and regulations and adapt our working methods accordingly. Unfortunately “administrative” staff are often not included in discussions on security as security is considered “political”. It’s not, its practical and if we don’t have the knowledge to improve our information security then finding a person who does and that we can trust is a capacity we have and we could be on the way to improving our overall security.

Computers:

The use of computers for researching, storing and sharing information has become very common amongst urban based human rights organisations. However in some countries access to computers for defenders is often restricted to infrequent use of internet cafes or the “borrowing” of a friend’s computer. The growth of the internet has given those of us with access to computers a wide range of resources to use and information to be used in our work in the defence of human rights. It has also created a major security problem as we often use our work computers to access gay dating sites or download “illegal” images. In countries where homosexuality is illegal and access to sites with a “gay content” is restricted we can pretty much assume that the use of such sites and our internet traffic between them is being watched. The possibility of raids on an office then could be increased by the use of the office computers to access these sites.

Online dating sites again can potentially impact negatively on a defenders security especially if the defender is using these sites to date unknown people. Checks on profiles are very minimal and there is nothing in place to stop potential aggressors from creating

²⁷ This chapter is based on work done by Robert Guerra, Katitza Rodríguez y Caryn Mladen from Privaterra, an NGO which provides courses and consultancy across the globe on security and IT for human rights defenders. (This text has been slightly adapted in some parts by Marie Caraj and Enrique Eguren and later by Shaun Kirven.). Other additional webpages are: <http://security.ngoinabox.org/> and <http://www.tacticaltech.org>

profiles and “tempting” the defender to meet with them. More often than not “gay” chat rooms are used as a way of eliciting internet sex via web cams. Often the defender will be asked if they are in the office? Are they alone? And so on. This kind of information to a potential aggressor could be useful in the preparation of an attack or illegal raid.

Storing images that are technically illegal, whether we agree with the law or not, in the work computer could also place your office and your organisation in danger of being raided by giving the security forces the “excuse” they were looking for.

Accessing sites such as gay dating sites etc. from internet cafes not only puts the defender at risk of being charged with illegal activity but also places the defender at risk of harassment and even violent attacks from fellow users. Privacy is often not a strong point in many internet cafes and the possibility that someone is looking over your shoulder is all too real. Again it is perhaps unwise to give out your current whereabouts to “unknown” users even if the offer of explicit material or naked pictures via a web cam is very tempting.

Most reputable dating sites have gone to the trouble of publishing suggestions on meeting people you find through the internet. It would be wise if defenders were to take note of these suggestions and employ them.

Organisations working with Transgender and/or Intersex individuals might have access to private information regarding identity, medical history/records etc. These records need to be kept confidential in a sense “sealed” in order to prevent “outing”. Transgender employees also have the right to information with previous name and gender being kept confidential. Find a way to secure it!

Transgender defenders who do not want to or are unable to live consistently as one gender should think about carrying two sets of identity documents. If an “official” registration document is impossible to obtain organisations should think about providing their employees with organisational proof of ID. Some people might want to carry official medical documents, especially when crossing borders, with them that “validates” their status, use of hormones or operative “condition”. Under no circumstances however should security rules be imposed that violates the individuals rights to privacy. It would probably be pointless anyways as imposing the use of letters and official ids against the wishes of the individual would translate into another security rule that didnt get followed. Discussion and analysis with those directly involved is the only way to move towards improved security.

NOTES

e-groups a case study: BoysOnlyBangladesh- BOB

Internet in Bangladesh was an expensive affair even in the new millennium. Only the privileged upper class had access to the virtual world. IRC fast became a popular chatting platform where a room for Bangladeshis was created and soon it was a major hub for Bangladeshis worldwide to mingle and giggle. The platform also helped queer Bangladeshis find each other using witty but effective pseudonyms obviously for security reasons.

Owing to the massive popularity of IRC and rapid expansion of Internet, local entrepreneurs opened up chatting rooms and the first one to lead was BDChat. This being a site with lots more facilities, BDChat gained attention in no time and soon people were joining in numbers, which of course included quite a few gay men. These men were scattered and kept in touch only through mobile phones and Internet. There was no gay community as such though a need for unity had been identified. BOB (BoysOnly_Bangladesh) was created on 2nd November 2002 arranging the first ever offline get-together on 7 December. A few brave men who dared to meet in broad day light in a public place. On 25th December 2002 BOB was deleted by Yahoo without any warning. BOB was reopened on 4 Jan, 2003 with a slightly different name BoysOnlyBangladesh. BOB remained discreet and went on with its highly guarded get-togethers and it grew steadily and slowly. Since the first get-together there had been at least one get-together every month with more and more people attending. The security concerns increased in parallel to this expansion.

Initially the membership was restricted and people could join only by invitation. The moderators invited people they knew from chatting rooms, dating websites and through other people. The group was listed under the adult category and was not to be found by a regular search. Even after invitation, if a member wanted to join, he had to go through a formal procedure of writing an application to the moderators giving a brief introduction, a name (not necessarily the real one), age, location and how he got to know about the group. Only after getting a filled out application, would the moderators approve the application. This was done because of the obvious security concerns.

In 2006, a new management team was formed who decided to radicalize the BOB by changing the membership system and becoming more visible. And the result was overwhelming. In just a month, the number of members reached a whooping 600+ from 300. The offline events also got bigger and better. Parties were introduced along with regular film shows, river cruise, picnics etc. A new permanent “hangout” was also selected where we all would gather at a particular time of a particular day and eventually this became a common place to meet. The idea was to create an option for people just to drop by and have a casual fun meeting. Visibility became the new security strategy.

BOB members were already forming friend groups among themselves and were meeting outdoors quite bravely. They were more comfortable with their sexuality and weren't afraid to flaunt it publicly. A community, a sense of belonging was ultimately formed giving the strength and inspiration to move forward.

The risk of becoming visible was taken and it turned out positive. As part of the security plan for this visibility BOB started sending letters to the daily newspapers talking about gay issues. The response was mixed with some great support and extreme criticism. Safe Sex campaign was also initiated and lots of members were encouraged to go for voluntary HIV testing. As a result, in 2006 BOB had a meeting with the then country representative of UNAIDS and facilitated a survey on sexual diversity carried out by ASK.

After the country went into emergency rule with the recent caretaker govt. coming into being, BOB ceased all its regular activities to avoid any negative reactions. 2007 saw no offline events and the year went by without any activism. The political situation didn't even permit heterosexual parties. In 2008 when the political situation stabilized, BOB revived its regular activities and started organizing get-togethers. On May 17, BOB celebrated the International Day Against Homophobia (IDAHO) launching its logo and plans for future events. It was the first event where BOB appeared openly as a gay group with the approval of the restaurant. For the first time a public venue recognized BOB and its crowd. With pride we displayed our logo and rainbow symbols all over the venue.

In all these years lots of other e-groups were also formed with different and promising slogans, but none of these groups have managed to survive. The initial careful steps helped BOB a great deal to gain the trust of its members and to be at the position it is now. BOB plans to stick to its strategic approach and move forward cautiously for the days to come.

A general guide to communications security problems and how to avoid them

By knowing where your potential communications security problems lie, you can feel safer while doing your work. The following list outlines the various ways in which your information or communications can be illegally accessed or manipulated, and suggests ways of avoiding such security problems.

Talking

Information doesn't need to pass through the internet to be illegally accessed. When discussing sensitive issues, consider the following questions:

1. Do you trust the people you are talking to?

This is particularly relevant when meeting people for the first time, people you have met over the internet or people who have been given your mobile number by a "friend of a friend". What measures can you put in place in order to verify if this person is actually the friend of a friend? Sexual desire and a more relaxed social setting can often give over to increased sense of trust and good feeling. As a defender can you afford such luxuries?

2. Do they need to know the information you are giving them?

Is it wise to disclose all the information about where you work and what job you do in the organisation? It may be that they already have this information because they have been watching your movements and your office. If they say they are a friend of a friend then they might say your friend informed them. What can you put in place either to prevent your friends from telling others about your work or organisation or perhaps even to find other ways of your friends passing mobiles numbers to you rather than yours to others directly?

3. Are you in a safe environment?

There is always an element of risk in meeting a "stranger" found through an internet dating site or meeting someone you do not know who says they have information about a case that could be of interest to you. Bugs or other listening devices are often specifically planted in areas where people assume they are safe, such as private offices, busy streets, homes, bedrooms and cars. Wide open spaces can be both helpful and harmful. Meeting in a secluded place makes it easy to see if you're being followed or observed, but makes it difficult to escape by blending in. Crowds make it easier to blend in, but far easier to be seen and heard.

What can you do?

1. Always assume someone is listening in. This way you are more likely to be careful when it comes to confidential matters.
2. Assume that some proportion of your information is compromised at any given time. Change plans and codes often, giving your listeners only fragments of true information.
3. Consider giving out false information to check if anyone uses or responds to it.
4. Any cleaning staff could be a serious security threat. They also may have after-hours access to our offices and take all our waste away with them every night. Some of us will have household staff that might not approve of our “lifestyles” this could make them prime targets for anyone wanting access to information about our comings and goings, who has visited you in the recent weeks, how many people and at what time of the day. Information about our sexual and social activity could be very useful in preparing an aggression against us. All staff should be vetted carefully for security clearance on an ongoing basis, as staff may be compromised after they join our organisations or come to work in our homes.
5. In your offices change meeting rooms as often as possible. The more rooms or places you use to discuss and exchange information, the more manpower and equipment will have to be employed by the aggressor to listen in. Beware of gifts designed to be kept with you at all times, such as an expensive pen, lapel pin or broach, or used in your office, such as a beautiful paperweight or large picture. These kinds of objects have been used in the past to listen in on conversations.

Telephones:

1. Assume that those wishing to prevent your organisation from reaching its objectives have the capacity to monitor your calls.
2. Assume that phone calls are therefore insecure. Analogue mobile phones are much less secure than digital mobile phones, and both are much less secure than landlines. Both our location and our conversations can be picked up through cellular surveillance. We don't have to be talking for our location to be tracked this can be done anytime our mobile phone is switched on.
3. Do not keep information such as sensitive names and numbers in your phone's memory. If your phone is stolen, this information can be used to track down and implicate people we want to protect.
4. Please remember that, depending on the political context, storing images that can be considered illegal, whatever their nature, is a risk. Try and avoid this.

A note on Internet telephone calls: those of us lucky enough to have broadband internet access will be all too familiar with the use of internet calling where calls are made from computer to computer. The low cost compared to telephones is very attractive but we have to consider that internet is not safe and we need to be as cautious as when speaking over a phone.

Physical security of information in the office

1. Keep the office locked at all times, including doors and windows. If possible use keys that require specific authorisation to be copied and keep track of all copies. Do NOT give keys to third parties, even maintenance and cleaning staff, and make sure you or someone you trust is always present when third parties are in the office.
2. If this is not possible, make sure you have a room with limited access where vulnerable files are kept. Consider locking all office doors and leaving non-confidential waste outside in the hallway at night.
3. Use a cross-cut shredder for anything confidential. Strip shredders are mostly useless. For disposing of particularly confidential material, consider burning the shreddings, pulverizing the ashes and flushing the ashes down the toilet. Alternatively a more ecological way of destroying paper from the office would be to turn it into fire bricks. i.e. soak all shreddings in water until mushy, then form into bricks and dry. These can be burnt instead of logs

Basic computer and file security

1. Lock computers away when leaving the office, if possible. Turn computer screens away from the windows.
2. Use surge protectors for all power outlets (variations in the electrical current can damage your computer).
3. Keep back-up information, including paper files, in a secure, separate location. Make sure your back-ups are secure by keeping them on an encrypted computer hard drive with a secure data back-up organisation, or secured by sophisticated physical locks.
4. To reduce the risk of someone accessing your computer, passphrase-protect your computer and always shut off your computer when you leave it.
5. Encrypt your files in case someone does access your computer or bypasses your passphrase protection.²⁸
6. If your computer is stolen or destroyed, you will still be able to recover your files if you have created a secure back-up every day. Keep the encrypted back-ups away from your office in a safe place.

²⁸ for more information contact Privaterra at info@privaterra.org

7. Erased files cannot be reconstructed if you have wiped them. USE PGP Wipe or another utility, instead of just placing them in the computer's trash or recycle bin.
8. Your computer can be programmed to send out your files or otherwise make you vulnerable without your knowledge. To avoid this, buy your computer from a trusted source, flatten the computer (i.e. reformat the hard drive) when you first get it, and then only install the software you want. Only allow trusted technicians to service your computer and watch them at all times.
9. Consider unplugging your computer's phone connection/modem, or otherwise physically disabling your internet connection, when leaving the machine unattended. This way, rogue programs calling out in the middle of the night will not work. Never leave your computer on when you leave for the day. Consider installing software that will disable access after a certain set time of inactivity. This way, your machine is not vulnerable while you get a coffee or make a photocopy.
10. Choose an internet server that is renowned for its security. Microsoft for example have just announced that Internet Explorer has serious security problems.

Internet security problems

1. Your email does not fly directly from your computer to the intended recipient's computer. It goes through several nodes and leaves behind information as it passes. It can be accessed all along the path (not only in/from your country!)
2. Someone could be looking over your shoulder as you type. This is especially problematic in internet cafes. If you are connected to a network, your email may be accessible to everyone else in the office. Your system administrator may have special administrative privileges to access all emails.
3. Your internet service provider (ISP) has access to your emails, and anyone with influence over your ISP may be able to pressure it into forwarding them copies of all your emails or to stop certain emails from getting through.
4. As they pass through the internet, your emails flow through hundreds of insecure third-parties. Hackers can access email messages as they pass. The ISP of your intended recipient may also be vulnerable, along with the network and office of your intended recipient.

Basic internet security

Social Networking Sites-Facebook, Twitter etc

Much has been discussed mainly by the members of these sites themselves on the levels of privacy. Increasingly organisations and individual defenders are using these sites to communicate, develop discussion groups, launching urgent appeals for action and funding. Given that much of the debates on privacy centre around the fact that we don't know how our information is being used and to whom our personal data is being sent Caution is advised, especially if personal or organizational "visibility" is a problem. People can often have contacts that span the whole spectrum of their social and professional

lives. Don't "out" them or yourselves. Think before publically messaging someone. If you are unsure then send them a private message. Photos should be cleared by the persons in them before being posted however funny you think they are.

1. Viruses and other problems, such as Trojan Horses or Trojans, can come from anywhere; even friends may unknowingly spread viruses. Use a good anti-virus program and keep up-to-date with automatic online updating. New viruses are constantly being created and discovered, so check out the Virus Information Library at www.vil.nai.com for the latest virus protection patches.
2. Viruses are usually spread through emails, so practice safe emailing (see below). Viruses are single programs designed to replicate and may or may not be malignant. Trojans are programs designed to give a third party (or anyone!) access to your computer.
3. A good firewall can help you appear invisible to hackers and keep out intruders trying to get into your system. This ensures that only authorised applications can connect to the internet from your computer and prevents programs such as Trojans from sending out information or opening "backdoors" to your computer through which hackers can enter.
4. A "key logger" system can track every keystroke you make. These programs are spread either by someone putting it onto your computer while you are away, or through a virus or Trojan that attacks your system over the internet. Key loggers track your keystrokes and report on your activities, usually over the internet. They can be defeated through passphrase-protecting your computer, practising safe emailing, using an anti-virus program, and using a mouse-guided program to type in your passphrase. Key loggers can also be disabled by physically disconnecting your computer's internet access -usually by simply unplugging the computer's telephone connection - when you are not using the computer.
5. An email address can be "spoofed" (faked) or used by someone other than the true owner. This can be done by obtaining access to another person's computer and password, by hacking into the service provider, or by using an address that appears to be the specific person's address. For example, by exchanging the lowercase "l" with the number "1", you can create a similar address and most people will not notice the difference. To avoid being fooled by a spoof, use meaningful subject lines and periodically ask questions that only the true person could answer. Confirm any suspicious requests for information by following it up through another form of communication.
6. Keep your browsing activity private by not accepting cookies and by deleting your cache after every time you use the web. In Internet Explorer, go to Tools, then Options. In Netscape Navigator, go to Edit, then Preferences. While you're in either of these menus, delete all your history, any cookies you may have and empty your cache. Remember to delete all your bookmarks as well. Browsers also keep records of the site you visit in cache files, so find out

which files should be deleted on your system. This is particularly important if you are using the work computer for browsing pornographic sites.

7. Upgrade all web browsers to support 128-bit encryption. This will help safeguard any information you want to pass securely over the web, including passwords and other sensitive data submitted on forms. Install the most recent security patches for all software used, especially Microsoft Office, Microsoft Internet Explorer and Netscape.
8. Don't use a computer with delicate information stored on it for non-essential web browsing. This is especially relevant if the only office computer is being used to access dating and "adult" sites and instant messenger programmes as these sites are often sources of viruses that can put your computer at risk.

Basic safe emailing

These are safe email practices which you and all your friends and associates should follow. Let them know that you will not open their email unless they practice safe emailing.

1. NEVER open an email from someone you don't know. Sharing of photos via the internet can put your computer and your organisation at risk.
2. NEVER forward an email from someone you don't know, or which originated with someone you don't know. All those "think happy thoughts" emails that people send around could contain viruses. By sending them to your friends and associates you may be infecting their computers. If you like the sentiment enough, retype the message and send it out yourself. If retyping it is not worth your time, it's probably not that important a message. Sites that offer daily photos of stars both naked and dressed can often be vehicles for viruses and should not be downloaded on work computers.
3. NEVER download or open an attachment unless you know what it contains and that it is secure. Turn off automatic download options in your email program. Many viruses and Trojans spread themselves as "worms" and modern worms often appear to have been sent by someone you know. Smart worms scan your address book, especially if you use Microsoft Outlook or Outlook Express, and replicate by masquerading as legitimate attachments from legitimate contacts.
4. DON'T use HTML, MIME or rich text in your email - only plain text. Enriched emails can contain embedded programs which could allow access or damage your computer files.

5. If using Outlook or Outlook Express, turn off the preview screen option.
6. Encrypt your email whenever possible. An unencrypted email is like a postcard that can be read by anyone who sees it or obtains access to it. An encrypted email is like a letter in an envelope inside a safe. Dos and don'ts of using encryption
 - DO use encryption consistently. If you only encrypt sensitive material, anyone monitoring your email traffic will know when something important is about to happen. A sudden increase in use of encryption might lead to a raid.
 - DON'T put sensitive information in subject lines. They are usually not encrypted, even if the message is.
 - DO use a pass phrase containing letters, numbers, spacing and punctuation that only you can remember. Some techniques for safe pass phrase creation are using designs on your keyboard or random words strung together with symbols in between. In general, the longer the pass phrase, the stronger it is.
 - DON'T use a single word, name, popular phrase or an address in your address book for your pass phrase. These can be cracked in minutes.
 - DO back-up your private key (the file that contains your private key for encryption software) in a single secure place, such as encrypted on a floppy disk or on a tiny, removable "keychain" USB memory device).
 - DON'T send sensitive material to someone just because they've sent you an encrypted email using a recognisable name. Anyone can "spoof" a name by making his or her email address sound like someone you know. Always verify someone's identity before trusting the source communicate in person, check by phone, or send another email to double-check.
 - DO teach others to use encryption. The more people are using it, the safer we will all be.
 - DON'T forget to sign the message as well as encrypting it. You want your recipient to know whether your message has been changed in transit.
 - DO encrypt files sent as separate attachments. They are generally not automatically encrypted when you send an encrypted email.

If you don't have encryption programmes employ the following rule: IF YOU HAVE TO THINK TWICE ABOUT SENDING THE INFORMATION DON'T SEND IT. Find other ways to communicate with colleagues.

7. Use meaningful subject lines so the reader knows that you intended to send the message. Tell all your friends and colleagues to always say something personal in the subject line so you know they truly sent the message. Otherwise someone might be spoofing them, or a Trojan might have sent out an infected program to their entire mailing list, including you. However, don't use subject lines that give away secure information in encrypted emails. Remember, the subject line is not encrypted and can give away the nature of the encrypted mail, which can trigger unwanted interest. Many hacking programs now automatically scan and copy email messages with "interesting" subjects such as "report", "confidential" "private" and other indications that the message is of interest.
8. NEVER send email to a large group listed in the "To" or "CC" lines. Instead, send the message to yourself and include everyone else's name in the "Bcc" lines. This is common courtesy as well as good privacy practice. Otherwise, you are sending MY email address to people I don't know, a practice that is rude, offensive and potentially both frustrating and dangerous.
9. NEVER respond to spam, even to request to be taken off the list. Spam servers send email to vast hoards of addresses and they never know which ones are "live" meaning that someone is using the email address actively. By responding, the server recognizes you as a live account and you are likely to receive even more spam as a result.
10. If possible, keep a separate computer, not connected to any other, that accepts general emails and contains no data files.

A guide to safer office and information management

Safer Office Management

Safer office management is about creating habits. Office management habits can be useful or harmful. To develop useful office management habits, it helps to understand the reasoning behind them. We've put together lists of habits that can help you manage your information more safely but only if you develop these habits and think about why they are important.

What is most important for privacy and security in office management?

- Being conscious of your information and who has access to it
- Developing safe habits and using them consistently
- Using the tools properly

Administration

Many organisations have a system administrator or someone who has administrative privileges to access email, network computers and oversee installation of new software. If someone leaves the organisation or is unavailable, the administrator can then access the individual's information and business can continue uninterrupted. Also, this means someone is responsible for ensuring that the system software is clean and from a reputable source.

The problem is that some organisations consider this role merely as technical support and allow a third party contractor to hold administrative privileges. This administrator has effective control over all information in the organisation, and must therefore be absolutely trustworthy. Some organisations share the administrator role between the head of the organisation and another trusted individual.

The rules:

1. NEVER give administrative privileges to a third party contractor. Not only are they less trustworthy than people within the organisation, but someone outside the office may also be difficult to reach in emergencies.
2. Only the most trustworthy individuals should have administrative privileges.
3. Determine how much information should be accessible by the administrator: Access to all computers, computer pass phrases, login pass phrases, encryption keys and pass phrases, etc.
4. If you choose to keep copies of pass phrases and encryption private keys with another organisation, you must develop protocols for access.
5. If an individual leaves the organisation, his or her individual pass phrases and access codes should be changed immediately.
6. If someone with administrative privileges leaves the organization, all pass phrases and access codes should be changed immediately.

Software administration

Using pirated software can leave an organisation vulnerable to what we call the "software police". Officials can crack down on an organisation for using illegal software, imposing huge fines and effectively shutting them down. The organisation in question gets little sympathy or support from Western media because this is not seen as an attack on a human rights NGO, but as an attack on piracy. Be extremely careful about your software licenses and do not allow software to be randomly copied by anyone in the office. Pirated software may also be insecure because it can contain viruses. Always use an anti-virus utility whenever software is being installed.

An administrator should have control over new software being installed to ensure that it is checked first. Do not allow installation of potentially insecure software, and only install software that is necessary. Install the most recent security patches for all software used, especially Microsoft Office, Microsoft Internet Explorer and Netscape. The biggest threat to security lies within software and hardware delivered with known vulnerabilities. Better yet, consider switching to Open Source software, which doesn't rely on the "Security through Obscurity" model, but rather welcomes security experts and hackers alike to rigorously test all code. Using Open Source software and any software other than Microsoft has the added benefit of making you less vulnerable to standard viruses and non-specific hackers. Fewer viruses are created for Linux or Macintosh operating systems because most people use Windows. Outlook is the most popular email program, and therefore the most popular target for hackers.

Email habits

Email encryption should become a habit. It is easier to remember to encrypt everything than to have a policy of when email should be encrypted and when it should not. Remember, if email is always encrypted, no one watching your traffic will ever know when your communications become more significant and delicate.

A few other important points:

1. Always save encrypted email in encrypted form. You can always decrypt it again later, but if someone gains access to your computer, it is just as vulnerable as if it had never been encrypted.
2. Be persistent with everyone with whom you exchange encrypted emails to make sure they do not decrypt and forward emails, or reply without bothering to encrypt them. Individual laziness is the biggest threat to your communications.
3. You might wish to create a few safe email accounts for people in the field that are not generally used and so do not get picked up by spam servers. These addresses should be checked consistently but not used, except by field staff. This way you can destroy email addresses that are getting a lot of spam without endangering your contact base.

Awareness and ownership can be very healthy for both you and your organisation. Individuals are usually the weakest link, not the technology.

Chapter Eleven

Improving security at work and at home

The idea behind this chapter is to give practical steps in assessing the security of your offices, drop in centres, hospices and homes and to look towards including improvements into the development of your organisational security plans

Security at work and at home

Security at the organisation's headquarters, regional and district offices and in the homes of staff members is of fundamental importance to defenders' work. It is important to go into some depth about how the security measures of an office or home can be understood and improved.²⁹

Understanding general aspects of office security.

Our aims in improving security can be summarised in three words:

Prevent unauthorised access

In some cases it might also be necessary to protect an office against a possible attack or violent demonstrations.

First look at the vulnerabilities or weaknesses of the office. Much like in the risk assessment exercise we looked at earlier these vulnerabilities can increase levels of risk according to the threat(s) that you are facing.

The vulnerabilities of an office must be assessed in the light of the threats you may face.

For example, if you are at risk of someone stealing equipment or information, you must look at how to prevent someone entering the office or gaining access to your equipment or information. In countries where resources are scarce and the temperature hot little attention is paid to well fitting doors and windows. Couple this with no resources for air conditioning often the doors and windows in the office are left open providing direct ac-

²⁹ For the sake of simplicity we will just refer to "offices" from now on, although the information below also applies to home security.

cess to anyone wishing to enter your office.

Here we can establish various vulnerabilities the first being the attitude of the staff for consistently leaving the doors and windows open and the second the lack of resources and planning of the organisation as to how to obtain these resources. If money was available for air conditioning the doors and windows would be shut-they have to be for the A/C to work!

Leaving doors and windows open can also become a major vulnerability when the organisation is facing hostile reactions from the local community either due to a case they have been working on or some of their outreach activities. Office buildings can also become a vulnerability if they are not compounded or above ground floor level. What might have been the perfect office in regards to accessibility for a drop in centre has now become vulnerability due to the human rights work that the organisation is doing.

It is important to establish the vulnerabilities of an office in the light of the threats you face at present and any that you identified from your analysis and the scenarios you drew up in chapter one becoming real in the future.

Saying this it is important to find a balance between putting appropriate security measures in place and giving outsiders the impression that something is being “hidden” or “guarded”. Dramatically changing the external security measures of your office over night can in itself increase the level of risk you face by inviting unwanted attention. In the authors experience it is often better to start with a change of attitude towards security, closing doors and windows and move towards the more external physical security measures if that is possible.

The security of an office is no greater than its weakest point and the weakest point is very often our attitude towards security.

Many LGBTI organisations began by running programmes for the prevention of HIV/AIDS and have continued to carry out health programmes in the countries where they work targeting high risk groups. Over time through their experiences with these groups organisations have begun to develop strategies for the improvement of the human rights situation of the LGBTI community. In security terms there exists a potentially serious problem here.

To effectively run sexual health programmes especially with high risk target groups such as Men who have Sex with Men-MSM, Intravenous Drug Users-IDUs and Sex Workers-CSW there is often a need to guarantee anonymity and the strictest confidentiality. If the same office is running a parallel human rights programme that is not only advocating for SOGI rights but also taking up cases of violence against community members there is a need to control entry into the building and definitely register those who want

to enter. Lack of funds will often not permit that the offices of the health project and the human rights project be separated. In practice it can often be just a curtain hanging in a doorway to block the public area from the private. Often the toilet facilities in the building will be shared and this can often give people unsupervised access to other offices. This can be aggravated when the health programme is giving trainings on sexual health to its target groups- groups that because of their marginalised or illegal status are easy prey to powerful actors and can be “convinced” to carry out surveillance.

Break-ins, bombings, fires, etc are all very dramatic ways of preventing your organisations information from being used against them, Actors, whether they are state, non-state or private, will look for a more simpler quieter way of gaining access to your information. Often just by walking through the door a process made easier if you run a drop in health advice and counselling service.

FACTORS TO CONSIDER WHEN SETTING UP AN OFFICE:

The neighbourhood; Try and gauge peoples’ reaction to the LGBTI community before opening the office. It is often not wise to try and establish an office in an area you know to be very conservative in its attitude towards diversity. The very act of establishing the office could be taken up as an affront and place the organisation in danger. Some countries also have rules and regulations about activities that can take place within certain radius of educational establishments for example it might be best to be aware of this. If your organisation is going to be running a health care programme for people who are living with HIV/AIDs then you need to think about how the local community is going to react. Will they see this for what it is, humanitarian action and welcome it or will it be seen as putting them at risk from possible infection?

Many LGBTI Offices also double up as social centres during the evenings. Late night traffic and making noise whilst leaving the building can often turn even the most supportive of neighbours hostile.

On a more practical note find out whether the building is associated with any particular people or activities from the past; accessibility on public and private transport; risk of accidents; how suitable the building is for putting the necessary security measures in place, etc.

It is useful to review which security measures are being taken by others in the neighbourhood. If there are many, this may be a sign of an unsafe area, for example, in respect of common crime. It is also important to talk to people in the area about the local security situation. In any case, make sure security measures can be taken without attracting undue attention. It is also useful to get to know local people as they can pass on information regarding anything suspicious goings on in the neighbourhood.

It is also important to check out who is your landlord. Do they have a reputation? If so

what for? Could they be susceptible to pressure from the authorities/non-state or private actors? Will they be comfortable with you putting security measures in place? Will they be comfortable with your activities and presence of your target groups?

The choice of office must take account of who needs to come to the office. An office where victims come to seek legal advice will have different requirements to an office which is primarily to be used as a drop in centre or health centre which is different again from an office that is primarily a place for staff to work on human rights issues. Assess how easy it is to get to by public transport, will it result in unsafe journeys between the area where staff live, those where most work activities take place, etc. Offices that focus mainly on outreach activities might have to situate themselves in the areas occupied by the target groups. We discussed earlier how this can affect the general perceptions of the work that your organisation does and the impact that can have on organisational security. Travel to and from these areas especially at night can also create security problems and need to be looked at.

Once the location has been selected, it is important to do periodical evaluations of aspects of the location it is necessary to check whether the presence of your organisation and the people you are working with has created any animosity with the neighbours. This can also lead to problems, pressures being put on the landlord for example in order to evict you.

CHECKLIST FOR CHOOSING A GOOD OFFICE LOCATION

1. **NEIGHBOURHOOD:** Crime statistics; closeness to potential targets of armed attacks, such as military or government installations; secure locations for taking refuge; other national or international organisations with whom you have a relationship. Difficult to gauge at the beginning but tolerance of the surrounding neighbourhood could also be an important factor to consider. Prevailing societal attitudes to SOGI or women's rights might cause hostile reactions from your neighbours once your target groups begin to use your services. Especially if you plan to run a Sexual health drop in centre catering to sectors of society marginalised by the middle class, "high caste" urban patriarchal society.
2. **RELATIONSHIPS:** Type of people in the neighbourhood; owner/landlord, former tenants; former uses of the building.
3. **ACCESSIBILITY:** One or several good access routes (the more, the better); accessibility by public and private transport.
4. **BASIC SERVICES:** Water and electricity, phone, internet.
5. **STREET LIGHTING** In the surrounding area.
6. **SUSCEPTIBILITY TO ACCIDENTS OR NATURAL DISASTERS:** Fires, serious flooding, landslides, dumping of dangerous materials, factories with hazardous industrial processes, etc.
7. **PHYSICAL STRUCTURE:** Solidity of structures, facility for installing security equipment, doors and windows, perimeter and protection barriers, access

points (see below).

8. **FOR VEHICLES:** A garage or at least a courtyard or enclosed space, with a parking barrier.

Third-party access to the office: Physical barriers and visitor procedures

The primary purpose of office security is denying unauthorised people access. One or several people could enter to steal, acquire information, plant something which can later be used against you, such as drugs or weapons, threaten you, etc. Every case is different, but the objective remains the same: **Prevent Unauthorised Access**.

Access to a building is controlled through physical barriers (fences, doors, gates), through technical measures (such as alarms with lighting) and visitor admission procedures. Every barrier and procedure is a filter through which anyone who wishes to gain access to the office must pass. Ideally, these filters should be combined to form several layers of protection, capable of preventing different types of unauthorised entry.

It is useful to make a distinction between what are identified as public areas as in the case of anonymous drop in centres and what is the “office space” where access is restricted and implement a system of filters between the two. That can be as simple as a locked door or a gate across a staircase that prevent access upstairs to the office space.

Physical barriers

Barriers serve to physically block the entry of unauthorised visitors. How useful physical barriers are depends on their solidity and ability to cover all vulnerable gaps in the walls.

Your office can have physical barriers in three areas:

1. The external perimeter: Fences, walls or similar, beyond a garden or courtyard.
2. The perimeter of the building or premises.
3. The internal perimeter: Barriers which can be created within an office to protect one or several rooms. This is particularly useful in offices with many visitors passing through, as it allows for a separate public area and a more private one which can be protected with additional barriers.

The external perimeter

The office should be surrounded by a clear external perimeter, possibly with high or low fences, preferably solid and high enough to make access more difficult. Railings or see-through wire mesh will make the organisation’s work more visible, and it is therefore better to have brick walls or similar.

The perimeter of the building or premises

This includes walls, doors, windows and ceiling or roof. If the walls are solid, all the openings and the roof will also be solid. Doors and windows must have adequate locks and be reinforced with grills, preferably with both horizontal and vertical bars well embedded into the wall. If there is a roof, it should offer good protection - not just a simple sheet of zinc or a layer of tiles. If the roof cannot be reinforced, block all possible access to the roof from the ground or neighbouring buildings.

The internal perimeter

The same applies here as to the building or premises. It is very useful to have an area with additional security inside the office, and this is usually very easy to arrange. Even a safety deposit box can be considered an internal security perimeter.

A note on keys

No keys should be visible or accessible to visitors. Keep all keys in a cupboard or drawer with a simple combination lock which only staff know the code to. Make sure that the code is changed from time to time for greater security.

If keys are individually labelled, do not mark them with a description of the corresponding room, cupboard or drawer, as this will make a robbery much easier. Use number, letter or colour coding instead.

Technical measures: Lighting and alarms

Technical measures strengthen physical barriers or procedures for admitting visitors, such as spy holes, intercoms and video cameras (see below). In order to work, a technical measure must provoke a particular reaction, for example, attracting attention from neighbours, the police or a private security firm. If this does not happen, and the intruder knows that it won't, such measures are of little use and will be reduced to preventing petty theft or recording the people who enter.

Lighting around the building (of courtyards, gardens, pavement) and on landings is essential.

Alarms have several purposes, including detecting intruders and deterring potential intruders from entering or from continuing to attempt access.

An alarm can activate a warning sound inside the office; a security light; a general, loud tone, bell or noise; or a signal in an external security centre. An audio alarm is useful for attracting attention but can be counter-productive if you don't expect local residents or others to react to it. A careful choice must be made between an audio and light alarm (a fixed powerful light, and an intermittent red light). The latter can be enough to deter an intruder, because it suggests that something else will happen following initial detection.

Alarms should be installed at access points (courtyards, doors and windows, and vulnerable premises such as rooms containing sensitive information). The most straightforward alarms are motion sensors, which activate a light, emit a noise or

activate a camera when they detect movement.

Alarms should:

1. Have a battery, so it can function during power cuts.
2. Have a delay before it activates so it can be deactivated by staff who might set it off accidentally.
3. Include an option for manual activation in case staff need to turn it on.
4. Be easy to install and maintain.
5. Be easily distinguishable from a fire alarm.

Video cameras:

Video cameras can help improve admission procedures (see below) or record people who enter the office. However, the recording must be made from a point which is beyond the reach of an intruder. Otherwise intruders can break open the camera and destroy the tape.

You may need to consider whether cameras will intimidate people you want to come and visit you such as victims or witnesses, or whether they will be seen as a valuable commodity which will attract thieves. In the case of drop in centres cameras might prove counter productive especially if the service is advertised as anonymous. Thought needs to be given as where and what space you want the cameras to protect. It is good practice to post a warning notice if you are using a camera (the right to privacy is also a human right).

Private security companies

This area requires great care. In many countries, private security firms employ ex-security force members. There are documented cases of such people being involved in surveillance of, and attacks on, human rights defenders. It therefore makes sense not to trust security companies if you have reason to fear surveillance or attacks by security forces. If a security company has access to your offices, they could plant microphones or allow other people in.

If you feel you need to use a security company you should ensure that you have a clear agreement about what their personnel are allowed to do, and not allowed to do on your behalf, and which parts of the building they can access. If the security guards carry weapons it is important for a human rights organization to have a clear understanding about what their rules are for using them. It is even more important to weigh up the potential benefits of using weapons against the disadvantages.

Small arms are not a deterrence against attackers with larger fire capacity (as it is usually the case), but if attackers know that there are carriers of small arms within your premises, they may decide to break in ready to open fire, to protect themselves during the attack. In other words, some armed capacity (small arms)

could lead to an escalation of the violence used in an attack or assault on your office.

Agreements need to be discussed and drawn up with any private security firm or night watch person and these agreements need to constantly monitored.

Admission procedure filters

Physical barriers must be accompanied by admission procedures or “filters”.

Such procedures determine when, how and who gains access to any part of the office. Access to sensitive areas must be restricted.

The easiest way to gain entry to an office is to knock on the door and go inside. Many people do this every day. In order to maintain a certain degree of accessibility but also improve the control over who enters your office you need to establish appropriate admission procedures.

Working Examples for discussion:

Someone arrives and enters the office (the door is unlocked)

Suggested Steps:

1. Ask why the person wishes to enter.
2. If they want to see somebody in the office, politely ask them to take a seat- It is therefore good to have a waiting area which is physically separate from the office's internal entrance- saying you will check if that person is in the building. If that person is not present, ask the visitor to return at another time or to wait somewhere outside the restricted office area. DO NOT give out the whereabouts of the defender.
3. If the defender is in the office ask if they are expecting a visitor and check the name, organisation, district of the person.

Note: the problem here is that the person is already inside the external and internal perimeter, should this person turn hostile there is very little that can be done.

Someone arrives and the door is locked

Suggested Steps:

1. Use spy holes, cameras or entry phones to avoid having to open or approach a door, especially if you want to refuse someone entry or there is a threat of violent or forced entry.
2. Ask for the person's identity card and the reason for coming to the office.
3. check with the defender if they are in the building and are expecting a visitor
4. If the defender is not in ask the person to come back another time

or take a phone number or contact and say you will ask the defender to contact them. DO NOT give out the whereabouts of the defender.

Note: Very often mainly due to lack of resources many offices do not have a receptionist dedicated full time to their job. Office assistants, secretaries have other duties to be carrying out and so can not dedicate the time necessary to following admission procedures fully. There is also a danger that these administrative staff are not fully aware of the threats faced by the organisation as they are excluded from meetings where security incidents are discussed. DO NOT expect your colleagues to act as a filter on your behalf if they are not aware of the level of risk/danger that you are facing. It is better to find ways to keep all staff informed of heightened security measures as a result of threats or incidents without causing alarm.

Someone arrives and requests entry in order to check or repair the water or electricity supply or carry out other maintenance work.

Suggested Steps:

1. Always confirm their identity with the company or organisation they claim to be representing before allowing them entry. Remember that neither a uniform nor an identity card are guarantees that the person is trustworthy especially in a medium or high risk situation.
2. Decide whether or not to allow access. Once your visitor's reason for entering has been established, you'll need to decide whether or not to allow them in. Just because someone states a reason for entering is not a reason for letting them in. If you are not sure what their errand is, don't allow access.
3. Supervise visitors until they leave. Once a visitor has entered the office, make sure that someone is supervising them at all times until they leave. It is useful to have a separate area to meet with visitors, away from the restricted areas.
4. A record should be kept of every visitor with name, organisation, purpose of visit, who they met with, when arrived, when left. This can be particularly useful when reviewing what went wrong after a security incident.

Someone arrives or calls asking questions

Suggested Steps:

1. Regardless of what a caller or visitor might say, you should under no circumstances tell them the location of a colleague or other people nearby, nor give them any personal information. If they are insistent, offer to leave a message, ask them to come or call back later or make an appointment with the person they wish to see.

Note: People can often show up mistakenly, asking if so-and-so lives there or if something is for sale, etc. Some also want to sell things, and beggars can come looking for help. If you deny these people access and information, you

will avoid any security risk.

Keeping records of phone calls and visitors

It may also be useful to keep a record of phone calls and phone numbers and keeping record of people that visit the organization. New visitors should be requested to present an identity document and the organization registers the number of the document. Many organisations give their staff id cards, check with the organisation they represent if they work there or not.

Someone wants to deliver an object or package

The risk you run with a package or object is that the contents could compromise or hurt you, especially in case of a package or letter bomb. No matter how innocent it may look, do not touch or handle a package until you have taken these three simple steps:

1. Check if the intended recipient is expecting the package. It is not enough that the recipient knows the sender, because the sender's identity could easily be faked. If the intended recipient is not expecting a package, they must check that the supposed sender has actually sent them something. If the package is simply addressed to your office, check who sent it. Wait and discuss the issue before making a final decision.
2. Decide whether or not to accept the package or letter. If you can't establish who sent the package, or if this will take time, the best option is not to accept it, especially in a medium or high risk environment. You can always ask for it to be delivered later, or collect it at the post office.
3. Keep track of the package inside the office. Make sure you know where in the office the package is, at all times until the recipient accepts it.

During functions or parties:

Often LGBTI offices serve as social centres during the evenings for people who are uncomfortable remaining at home and as spaces where people can express themselves freely. Is it possible to implement some kind of introduction policy where people are permitted to use the offices after they have been introduced to the organisation or group by a trusted member of staff? How would this policy interfere with the idea behind the drop-in centre? What kind of precautions are taken when travelling home usually late at night? Do people stay over in the office? Could this possibly affect the image of the office or the organisation if the wider public suspect that sexual activity is happening after office hours?

Organisations will organise from time to time official functions or parties as a way of building up relationships with their neighbours and like minded organisations. In these circumstances, the rule is simple:

1. Do not let anyone whom you don't know and whose name is not on the guest list enter the building. Only people who are known to colleagues should enter, and only when that colleague is present and can identify their guest. If a person shows up saying they know someone in the office who isn't there, don't let them in however good looking they are.

Working extra-hours at the office

Many LGBTI organisations rely heavily on volunteer staff that support the organisation in the evenings and at weekends. This can often mean that the office is opening during the evenings and weekends when a response from political contacts (embassies, INGOs, UN) in an emergency is more difficult to obtain. Time should be taken to explain to these contacts that because of the nature of your work your office is sometimes or almost always open late into the evening and ask them if they could be especially aware of this during periods of high risk.

Despite the norm that people working for LGBTI organisations work late, outreach work etc there should be procedures for staff working extra-hours or late into the night. Members of an organization intending to work extra-hours late at night should report by certain hours with another designated member, take special care when leaving the premises, etc. Actions could be taken to inform political contacts if there is particular reason to suspect that outreach activities will meet with any hostility.

CHECKLIST:

IDENTIFYING WEAK POINTS IN ADMISSION PROCEDURES

1. Who has regular access to which areas and why? Restrict access unless it is absolutely necessary.
2. Distinguish between different types of visitors (messengers, maintenance workers, computer technicians, NGO members for meetings, VIPs, guests for functions, etc.) and develop appropriate admission procedures for each.
3. All staff should be familiar with all procedures for all types of visitors, and take responsibility for carrying them out.
4. Once a visitor enters the office, can they access restricted areas? Develop strategies to prevent this.

All staff members have a responsibility to take action against anyone who is not properly observing the admission procedures.

CHECKLIST: ACCESS TO KEYS

1. Who has access to which keys and when?
2. Where and how are keys and copies of those kept?
3. Is there a record of key copies that are in circulation?
4. Is there a risk that somebody will make an unauthorised key copy?

What happens if somebody loses a key? The corresponding lock must be changed, unless you are absolutely sure that it has been accidentally mislaid and that nobody can identify the owner of the key or your address. Remember that a key can be stolen for example, made to look like common crime, pick-pocketing, handbag theft etc. in order for someone to gain access to the office.

Checklist: General office security procedures:

1. All Staff should also make a note in the "Security Incidents Book" of any movements by suspicious people or vehicles.
2. The same applies to any object placed outside the building, in order to rule out the potential risk of a bomb. If you suspect a bomb, don't ignore it, don't touch it, and do contact the police.
3. When moving offices, or if keys have been lost or stolen, it is essential to change all the locks in the entrance area, at the very least.
4. Provide fire extinguishers and flashlights (with replaceable batteries). Make sure all staff members know how to use them.
5. Provide an electricity generator/ back up battery system if there is a strong possibility of power cuts. Power cuts can endanger security (lights, alarms, telephones, etc.), particularly in rural areas.
6. Keep a list handy of local emergency numbers for police, fire brigade, ambulance, nearby hospitals for emergencies, etc. If there is a risk of conflict/violent demonstrations nearby, keep a supply of food and water in reserve.
7. Establish emergency evacuation procedures and identify people from each section responsible for registering those who have left the building. Practice the evacuation procedure and identify "safe areas". In built up areas it is important to locate an area that reduces the risk of physical injury during an earthquake.
8. Nobody from outside the organisation must be left alone in a vulnerable area with access to keys, information or valuables.
9. **Keys:** Never leave keys where visitors might have access to them. Never "hide" keys outside the office entrance this makes them accessible, not hidden. Admission procedures: Security barriers offer no protection if a potential intruder is can gain access to the office buy unlocking the door.

All staff are equally responsible for visitor control and admission. All visitors must be accompanied at all times while in the office.

If an unauthorised visitor is found in the office:

1. In case of confrontation with a potential intruder, the people working in the office are on the front line. Ensure that they have the necessary training and support at all times to deal with any situation, and without putting themselves at risk.
2. Never confront someone who seems prepared to use violence to get what they want (for example, if they are armed). In such cases,

- alert colleagues, find a safe place to hide and try to get help from the police.
3. Approach the person carefully or seek assistance in the office or from the police.
 4. In high risk situations, always keep control of vulnerable things, such as the information stored on a hard drive, in order to make them inaccessible or remove them in case of an emergency evacuation.

Regular reviews of security in the office:

Regular reviews are very important, because the level of risk faced by individuals and organisations will change over time. High turnover of staff, change in strategy or activities or in the political climate can affect the level of risk and plans and procedures need to be adapted accordingly. Regular reviews can also help to develop some sense of staff ownership of the office security rules.

The person(s) responsible for security must carry out at least one review of office security every six months. With the help of the list below this can take as little as one or two hours. The person in charge of security must ensure that staff feedback is sought before the final report is written, and then present the security report to the organisation in order for the necessary decisions to be made and for action to be taken. The report should then be kept on file until the next security review.

In rural areas:

Defenders also work in rural areas either in a village or in a secluded and remote area.

They might not have much choice as to their office location. Yet they need to protect their space from unwanted visitors and objects.

Village: if it is comparable to a micro urban area most of the above considerations may be taken and completed with the following ones.

Remote and secluded location: make sure that the surrounding community, your family and friends can contribute to your alarm system. Try and have them check regularly on you and your office (whether it is your home). You might consider keeping a dog which can be trained to barking at visitors. Make sure it doesn't attack people and that it cannot easily be approached and poisoned. Get to know the area well and avoid being out after dark.

You might consider establishing communication relays through trusted people to have access to as quick a supportive reaction as possible in case you need it.

Example of Office Security Review:

CHECKLIST: OFFICE SECURITY REVIEW

REVIEW OF:

CARRIED OUT BY:

DATE:

1. EMERGENCY CONTACTS:

Is there a handy and up to date list with telephone numbers and addresses of other local NGOs, emergency hospitals, police, fire brigade and ambulance?

2. TECHNICAL AND PHYSICAL BARRIERS (EXTERNAL, INTERNAL AND INTERIOR):

Check condition and working order of external gates/fences, doors to the building, windows, walls and roof.

Check condition and working order of external lighting, alarms, cameras or video entrance phones.

Check key procedures, including that keys are kept securely and code-labelled, assignment of responsibility for controlling keys and copies, and that keys and copies are in good working order. Make sure locks are changed when keys are lost or stolen, and that such incidents are logged.

3. VISITOR ADMISSION PROCEDURES AND “FILTERS”:

Are admission procedures in operation for all types of visitors? Are all staff familiar with them?

Review all recorded security incidents related to admission procedures or “filters”.

Ask those staff members who usually carry out admission procedures if the procedures are working properly, and what improvements are needed.

4. SECURITY IN CASE OF ACCIDENTS:

Check the condition of fire extinguishers, gas valves/pipes and water taps, electricity plugs and cables and electricity generators (where applicable).

Check that all staff are aware of emergency evacuation procedures. Was the outcome of the last practice positive? If not what went wrong and what needs to be changed?

5. RESPONSIBILITY AND TRAINING:

Has responsibility for office security been assigned? Is it effective?

Is there an office security training programme? Does it cover all the areas included in this review? Have all new staff members been trained? Is the training effective?

Chapter Twelve

Assessing organisational security performance: the security wheel

In order to turn properly, a wheel must be completely round. But what happens if some of the spokes are longer than others? The wheel would not be completely round and would therefore not role properly at best making for a very bumpy ride.

Something similar happens with security management in a group or organisation. If the main security components are not developed at the same time, the overall security strategy cannot be expected to work well. On this basis, you can sketch a so-called “security wheel”. You can use it to examine the way you manage security, and evaluate the extent to which security is integrated into a group of defenders’ work.

Once you have completed this evaluation of your security wheel, hold on to the result and the diagram. This evaluation can be done as a group. You can list a range of ideas about why particular parts of the wheel have not been sufficiently developed, and suggest lots of ways of solving these problems. When you have listed the possible solutions, you can get to work and choose the ones you want to use.

When you repeat the exercise in a few months time, you can then compare your old and new diagrams and see point by point if things have improved or not.

The security wheel has eight spokes, or components:

Acquired security experience and cohesion:

practical and shared knowledge of security and protection, gathered through work. The start and end points of the assessment.

Security training:

Security training through courses or through individuals’ own initiative during daily work.

Security awareness and attitude:

Relates to whether individuals and the whole organisation really view protection and security as necessities and are prepared to work towards ensuring it.

Security planning:

planning security and protection into your work.

Assignment of responsibilities:

Who is responsible for what aspects of security and protection? And what happens in cases of emergencies?

Degree of ownership of security rules /compliance:

To what extent do people respect security rules and procedures?

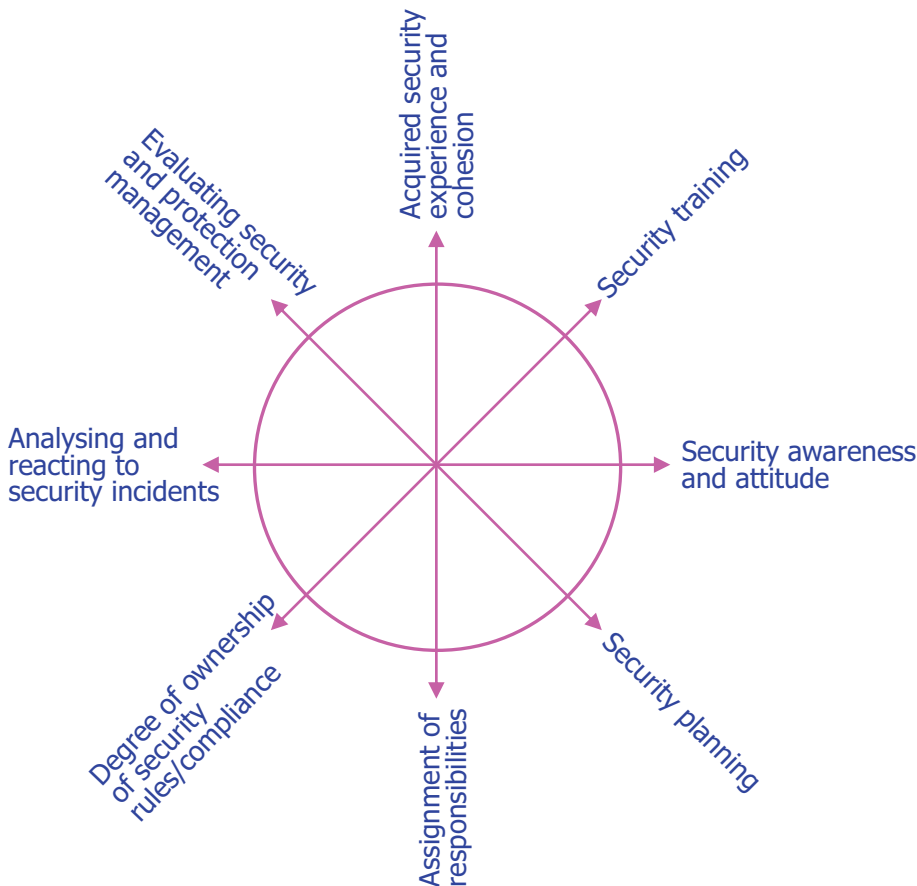
Analysing and reacting to security incidents:

To what extent are security incidents being analysed? Is the organisation's response adequate?

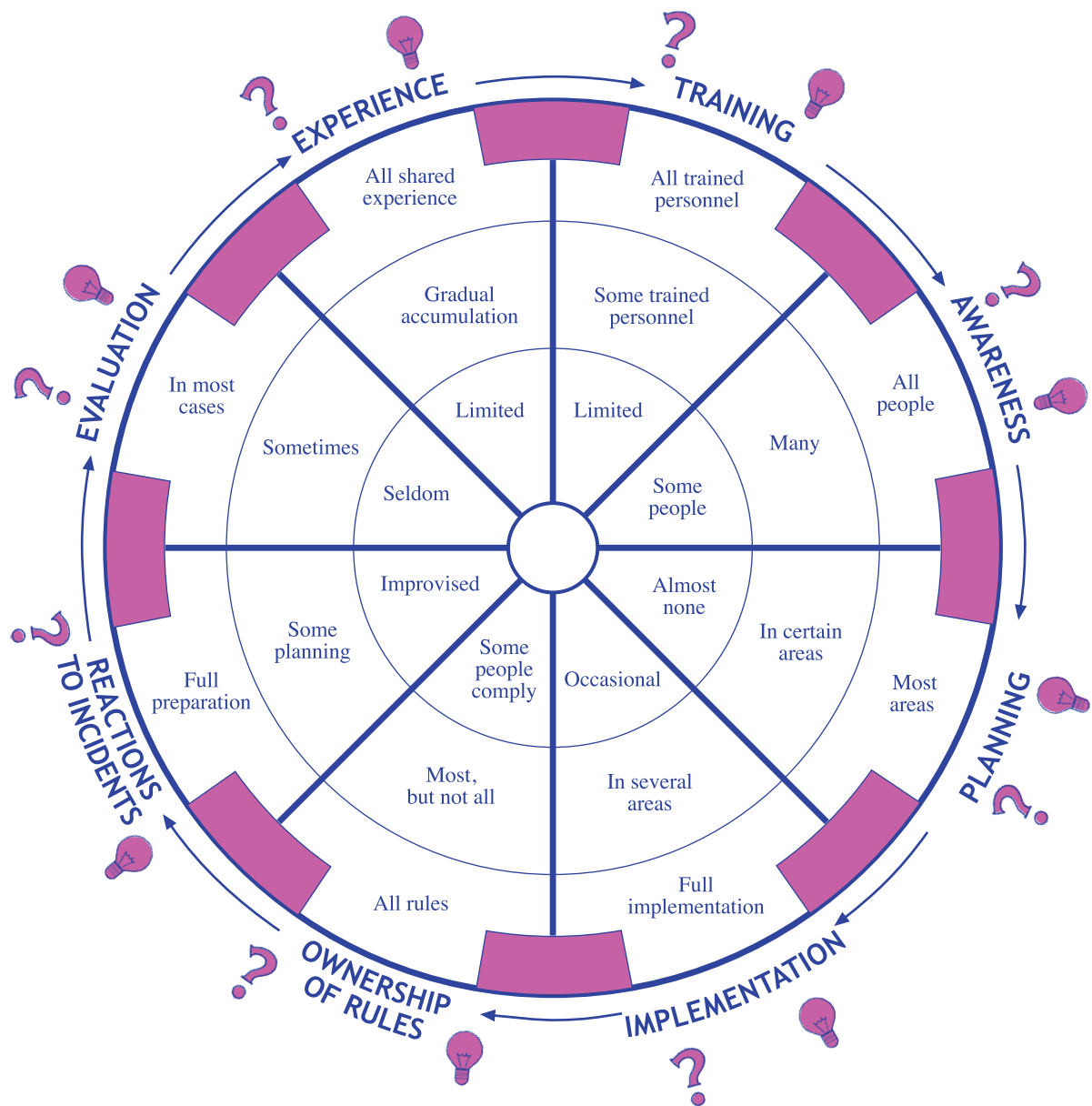
Evaluating security and protection management:

to what extent does the organisation evaluate its security and protection management and to what extent is it updated?

Now that you are more familiar with the components of the security wheel, try to construct a diagram adding more information. It could look something like this:



THE SECURITY WHEEL AND ITS EIGHT COMPONENT PARTS, OR SPOKES



The security wheel is never perfect:

Some of its parts are more developed than others. It is therefore more useful to examine the degree of development of each part. This way, you can identify which types of action you should prioritise to improve your protection and security. Each thin line going from the centre outwards illustrates how developed this component of the wheel is.

Photocopy the wheel on paper or acetate and add colour to the spaces between the spokes. This will illustrate the real shape of your group's or organization's wheel, and make it easier to see which parts are more - and less - developed.

Once you have established the present state of security management in your organisation you begin to develop plans on how to improve the weaker parts. i.e. plan to make you wheel as round as possible. This can be done as part of the ongoing security plan that y

If any of the wheel's eight components fail, you will have to determine: What the problems are with this part of the wheel and what the solutions to these problems are.

Chapter Thirteen

Final Practical steps to improve Security

Any action to improve the security of the LGBTI community, defenders and their organisations must take place on three different but interconnected levels.

The first is general awareness raising and education of the wider society about equality and non-discrimination and about the universality of human rights. To generate public debates through positive use of Media about SOGI rights and the need to protect those that defend them. Our discourse needs to emphasize that we are NOT taking rights away from anyone rather that we are contributing to fundamental respect for EVERYONE'S human rights.

The second as we have seen needs to focus on the political activities of the organisation to ensure that discriminatory attitudes, practices and laws are abolished and amendments made to ensure both constitutional and legal status of LGBTI communities.

The third and perhaps the most difficult is to mainstream the human rights of the LGBTI community and its agenda. Perceptions need to be challenged and allies need to be found.

LGBTI organisations need to develop networks and solid working relationships with other civil society actors including human rights organisations to ensure both their participation and the mainstreaming of SOGI rights into the wider human rights agenda. National legislation needs to be brought in line with binding international provisions outlined in the Yogyakarta Principles. Laws against sexual violence, domestic violence that redefine the family unit and break away from binary definitions of gender need to be enacted. Reparations packages need to address the rights of LGBTI victims to truth, justice and reparation and guarantee the principle of non-repetition in order for LGBTI communities to be able enjoy full protection from the law.

Regional and International networks need to be developed to pressure regional governmental bodies- where they exist- into action on amending constitutions and working practices that will provide for the protection of the LGBTI community. Region wide declarations need to be drawn up in order to hold individual countries to account when failing to protect their LGBTI communities.

The UN needs to begin to redress what can at best be considered as oversight in its treatment of SOGI rights. Real efforts need to be put into action to ensure that member states most resistant to SOGI rights find themselves in an ever decreasing minority.

The Universality of human rights needs to be established.

To do this, LGBTI defenders and their organisations need to address their own internal problems of security management affected by prejudices, misunderstandings and attitudes towards security. In the initial absence of any state protection mechanisms and often with laws that criminalise same sex sexual activity, LGBTI defenders will need to develop, implement and constantly update personal and organisational security plans.

The more visibility you achieve the greater the level of risk- planning will contribute to your security

Preparing a security strategy and plan

Our work may lead us into confrontation with powerful actors who are violating international human rights law, be it government or state authorities, security forces, illegal armed groups or private actors. These actors may retaliate by trying to stop us doing our work, through anything from subtle repression of attempts at freedom of expression to targeted threats and direct attacks. The actors' level of tolerance depends on our work - some activities might be deemed acceptable, others not.

Note:

-In many cases, it is only certain elements within complex actors (such as those mentioned above) who are hostile towards LGBTI defenders. For example, some elements within a government may be relatively serious about protecting defenders, while other elements want to attack them.

-LGBTI Defenders may also experience more hostility during times of political upheaval, such as elections or other political events.

LGBTI - Defenders, socio-political work space

As we have outlined above there exist major obstacles to LGBTI communities around the world enjoying their rights and action needs to be taken to improve respect for human rights and our environment. The campaigning and promotion activities of LGBTI defenders are often aimed at securing a broader acceptance of our human rights within society or more effective action from political actors to ensure human rights are protected. We don't usually think of such activities as affecting our security but when successful they can have a positive impact on protecting LGBTI defenders' work space.

Our work space can be defined as the variety of possible actions the defender can take with an acceptable level of personal risk. In other words, the defender perceives “a broad array of possible political actions and associates a certain cost or set of consequences with each action”. The defender perceives some of these consequences as “acceptable and others as unacceptable, thereby defining the limits of a distinct political space”.

For instance, as a LGBTI organisation you may pursue a human rights case until one of the members of the group receives a threat. If you perceive you have enough political space, you may decide to go public and condemn the threat, and eventually go on with the case. But if you perceive that your political space is limited, you may decide that denouncing the threat will have unacceptable costs. They might even decide to drop the case for a while and improve their security capacities in the meantime.

The notion of “acceptable” levels of risk can change over time and varies greatly amongst individuals or organisations. For some, torture or sexual violence might be the most unbearable. Some defenders believe that being imprisoned is acceptable, as long as it helps to achieve their goals. For others, the threshold might be reached with the first threat. What is important is that as an organisation preparing a security plan give enough space to these discussions so common ground and organisational limits can be defined and established.

The national political context as well as our own perceptions, of what is acceptable and what isn't, is constantly changing. We need to be able to develop structures in order to assess those changes and whether any real changes have occurred to our organisational, or political space.

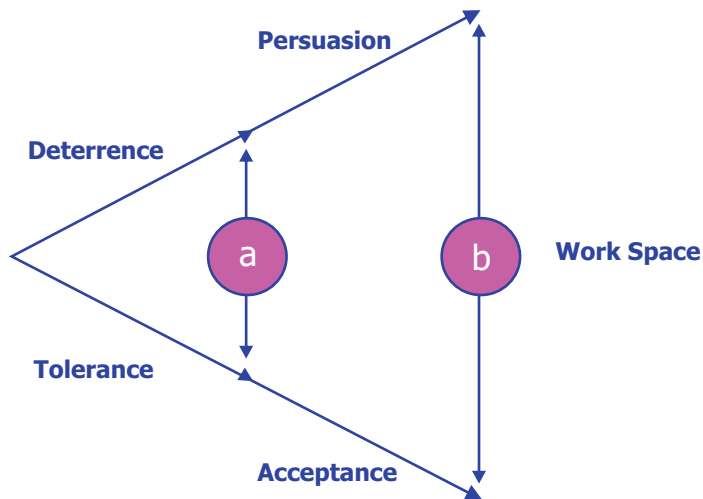
Security and defenders, work space

All security strategies can be summarised in a few words: we want to expand our work space and maintain it.

Strictly speaking in security terms, our work space requires at least a minimum level of consent by the main actors in the area - especially by political and military authorities, armed groups, religious groups and other private actors who might become affected by our work and decide to act against us.

This consent can be explicit, such as a formal permit from the authorities, or implicit, for example, in the case of armed /religious groups. Consent will be more solid if the actor can see some benefit resulting from the defenders' work. It will be lower if the actor perceives related costs. In this case, their level of consent will depend on the political costs that can be generated if they attack us and those costs outweighing the benefits.

Our work space can be represented by two axes:



One representing the extent to which the actor will tolerate or accept our work based on the extent to which our work impacts on the actor's objectives or strategic interests (the tolerance-acceptance continuum).

one representing the extent to which we can deter attacks, because of high political costs, expanding to when we can dissuade the actor on rational/moral grounds or even persuade them of political benefits in not attacking us or violating human rights (the deterrence-persuasion continuum).

The expansion of our work space can be achieved over time. Achieving acceptance of our work through a strategy of deterrence should take into account working for the needs of the population, our image, procedures, integration etc, as represented in space "b". But the space usually remains limited to the confines of the patriarchal norms, partially generated as a result of the costs of attacking the defenders (deterrence), then having the space reduced to "a".

Expanding your work space by increasing tolerance and acceptance

Our work may affect the objectives or strategic interests of someone who does not care much about human rights, leading to a hostile working environment for us. In order to gain acceptance, or at least consent, for our work, it is important to limit the confrontation to a necessary minimum.

Some suggestions for how to do this:

1. Sensitise the wider society and stakeholders to the concept of universality and that the respect for SOGI rights is basically the respect for human rights and fundamental freedoms enshrined in international law. We are not asking for extra rights just to enjoy those that everyone else benefits from.

2. Provide information and training about the nature and legitimacy of our work. Government officials and other actors may be more inclined to cooperate if they know and understand our work and our reasons for undertaking it. It is not enough just for higher officials to be aware of what we do, because defenders' daily work usually involves many levels of officials in different government bodies. We should make a continuous effort to inform and train officials at all levels.
3. Clarify the objectives of our work. In all situations it is useful to clarify and limit the scope and objectives of our work. This will reduce misunderstandings or unnecessary confrontations that can stop defenders achieving their aims.
4. Limit our work objectives to match the political space of our work. When our work affects an actor's specific strategic interests, the actor may react more violently and with less consideration for their image. Some types of work make us more vulnerable than others, so we have to make sure our objectives match our situation and protection capacities as much as possible.
5. Allowing space in your strategies for "saving face". If we have to confront an actor about human rights abuses seek a way for them to gain credit for taking action to address the situation
6. Establish alliances widely with as many social sectors as possible. Find a balance between transparency in our work, to show that we have nothing to hide, and the need to avoid giving out information that could compromise your work or security.
7. Finally, remember that the legitimacy and quality of our work are necessary conditions for keeping our work space open, but it may not be enough. We may also need to be able to deter potential attackers (see below).
8. Expanding our work space: Increasing deterrence and persuasion.

LGBTI defenders working in hostile environments but should be able to conjure up enough political costs to prevent an aggressor from attacking them:

This is called **deterrence**.

It is useful to distinguish between "general" and "immediate" deterrence.

- General deterrence consist of the combined effect of all national and international efforts at protecting defenders, i.e. anything which helps to create a general understanding that attacks against defenders will have negative consequences. This can happen through wide thematic campaigns or training and information about protecting defenders.
- Immediate deterrence sends a specific message to a specific aggressor to keep their attacks away from a specific target. Immediate deterrence is necessary when general deterrence fails or is seen to be insufficient, and when protection efforts are focused on specific cases.

Persuasion is a more inclusive concept. It can be defined as the result of acts which induce an opponent not to carry out a contemplated hostile action. Rational argument, moral appeal, increased cooperation, improved understanding of human rights, distraction, adoption of non-offensive policy and deterrence may all be used to achieve dissuasion. Each of these tactics are used at different times by defenders at the national or international levels. Defenders cannot of course use direct “threats” very often: The strategy is more about reminding others that, depending on their decisions, a series of consequences could occur.

Putting deterrence to work

In order to measure whether we have been effective in deterrence, a series of conditions must be met:

1. We must clearly specify and communicate to the aggressor what types of actions are unacceptable. Deterrence will not work if the aggressor does not know which actions will provoke a response.
2. LGBTI defenders and their organisations must articulate its commitment to deterring the aggression in a way that makes the aggressor aware of it. The organisation must also have a strategy in place for accomplishing the deterrence.
3. LGBTI defenders and their organisations must be capable of carrying out the deterrence, and make the aggressor aware of this. If a “threat” of mobilising national or international reaction is not credible, there is no reason to expect it to have a protective effect.
4. We have to know who the aggressor is. This therefore often boils down to analysing who might benefit from an attack. In order to improve the effectiveness of a national or international reaction, an assumption of “state responsibility”, might be correct, yet requires more specific information about which factions within the state apparatus are behind the attack or that in the case of non-state or private actors that State Omission will be used as a tool to prompt state action against the aggressor.

The generation of political and personal costs because of our commitment to that generation will deter a potential aggressor from attacking as the costs will outweigh the benefits.

In cases that involved private actors international pressure applied on the State to apprehend and prosecute the aggressor can work as a similar deterrent. In countries where impunity for actions against the LGBTI community prevails convincing a potential aggressor that they may face prosecution can be difficult. This is often compounded where there are no legal provisions for the protection of LGBTI defenders and homosexuality is in fact an illegal activity.

We will never know in advance if our “deterrence commitment” is strong enough to dissuade a potential attack. The aggressor may expect benefits that defenders are not aware of. Assessing the situation as carefully as possible is a permanent challenge and may even be impossible due to lack of critical information.

LGBTI organisations must therefore develop extremely flexible fallback plans and the ability to respond rapidly to unexpected events.

Drafting a security plan

It should not be difficult to draft a security plan. Here is a process in just a few steps:

1. The components of the plan. A security plan is aimed at reducing the danger you face. It will therefore have at least three objectives, based on your risk assessment:

- Reducing the level of exposure to the threats you face.
- Reducing your vulnerabilities.
- Enhancing your capacities.

It could be useful if your security plan also includes:

- Preventive plans or protocols, to ensure routine work is done in line with security standards, for example, how to prepare outreach activities in areas noted for the influence of common crime.
- Emergency plans for dealing with specific problems, for example, a detention or a disappearance.

2. Responsibilities and resources for implementing the plan.

To ensure that the plan is implemented, security routines must be integrated into daily our work and activities.

- Include context assessment and security points routinely in your agendas.
- Register and analyse security incidents.
- Allocate responsibilities.
- Allocate resources, i.e. time and funds, for security.

3. Drafting the plan - how to begin. If we do a risk assessment for ourselves or our organisation, we might find that we have a long list of vulnerabilities, several kinds of threats and a number of capacities. We can't realistically cover everything at the same time. So where to begin? It's very easy:

- Select a few threats. Prioritise the threats listed, be it actual or potential ones, using one of these criteria: The most serious threat clear death threats, for example; OR the most probable and serious threat - if organisations similar to ours have been attacked, that is a clear

potential threat for us; OR the threat which corresponds most with our vulnerabilities - because we are more in danger of that specific threat being carried out.

- List the vulnerabilities we have which correspond with the threats listed. These vulnerabilities should be addressed first, but remember that not all vulnerabilities correspond to the listed threats. For example, if we receive a death threat, it may not be very useful to start securing the cupboards in our office in the city centre (unless you can be easily attacked in the office, which is usually not the case). It may be more useful to reduce our exposure while commuting from home to the office or on weekends. Securing the cupboards is important, but that in itself probably won't reduce our vulnerability to the death threat.
4. List the capacities we have which correspond with the threats listed. We are now in a position to address the selected threats, vulnerabilities and capacities in our security plan, and can be reasonably sure that we will be able to reduce our levels of risk from the right starting point.

Note that this is an ad hoc way of drafting a security plan. There are more "formal" ways to do it, but this method is straightforward and makes sure you take care of the most urgent security issues - provided your risk assessment is correct - and end up with an "alive" and "real" plan at the end, and that's the important part of security. (Please see the end of this Chapter for a detailed list of possible security plan components which you can also use when assessing the level of risk you face).

Security management is ongoing. There are limits to the amount of information you can deal with at any given moment and there are limits imposed by time, understanding, awareness attitude, personal behaviour etc.

It is a complex process - time and effort are necessary to create awareness, develop consensus, train people, deal with staff turnover, implement activities, etc.

Security management is a practical exercise

Security management can rarely attempt a comprehensive, long-term overview. Its contribution lies in the ability to prevent attacks and highlight the need for organisational strategies to cope with these. This may not seem very ambitious, but we must not forget that we allocate too few resources to security.

When reviewing our or our organisation's security practices we may discover some sort of guidelines, plans, measures or patterns of behaviour already in place. There will be

conflicting forces involved, ranging from stereotypical ideas about security practices to a reluctance to increase existing workloads by incorporating new security protocols.

Security management is a work in progress.

Security management should aim to make step by step changes to improve performance. Security rules and procedures tend to emerge from parts of an organisation covering specific areas of work, such as logistics or a field team especially concerned with its security, a manager under pressure by donor concerns about security, etc.

Step by step security management opens the door to informal processes and allows space for new practices to take root. Sudden events, such as security incidents, will prompt urgent, short-term decisions that, if properly managed, will shape longer term security practices for the whole organisation.

Implementing security plans

Security plans are important, but they are not easy to implement.

Implementation is much more than a technical process - it is an organisational process. This means looking for entry points and opportunities, as well barriers and problems.

A security plan must be implemented on at least three levels:

- The individual level. Each individual has to follow the plan in order for it to work.
- The organisational level. The organisation as a whole has to follow the plan.
- The inter-organisational level. Some level of cooperation between organisations is usually involved to guarantee security.

Examples of entry points and opportunities when implementing a security plan:

- i. Several minor security incidents have taken place in your own or another organisation and some staff members are worried about it.
- ii. General security concerns exist because of the situation in the country.
- iii. Changes in legal structures, provisions that could allow for an expansion of your work but with caution.
- iv. New staff arrive and can be trained to start good security practices more easily.
- v. Another organisation offers you security training.

Examples of problems and barriers to implementing a security plan:

- i. Some people think more security measures will lead to an even greater work load.
- ii. “But everything is ok no one has been killed”
- iii. “We haven’t got time for this stuff!”
- iv. “OK, let’s make extra time to discuss security on Saturday morning, but that’s it!”
- v. “But this will affect my social life”
- vi. “Why should we bother no one is going to change their attitude to gays”
- vii. “We expect to have problems no one likes gays”
- viii. “We need to take better care of the people we intend to help, not ourselves.”

Ways of improving the implementation of a security plan:

- i. Take advantage of opportunities and entry points to face problems and break through barriers.
- ii. Proceed step by step. There’s no point in pretending that everything can be done at once.
- iii. Emphasise the importance of security to core work on behalf of victims. Stress that the security of witnesses and family members is critical to the effectiveness of core work and that this can best be managed by integrating good security practices into all areas of work. Use examples in training/ discussion that demonstrate the potential negative impact of lax security on witnesses and victims.
- iv. A plan must be realistic and feasible. A long list of things to do before every activity will not work. Keep to the bare minimum necessary to ensure security. This is another reason to involve those who really do the work - for example, people who usually carry out the activities.
- v. The plan is not a one-off document - it must be reviewed and updated all the time.
- vi. The plan must not be seen as “more work”, but as “a better way to work”. People must be made to see the benefits, for example, by avoiding duplicate reporting. Make sure activity reports have a security dimension, make security issues part of normal team meetings, integrate security aspects into other training, etc.
- vii. Emphasise that security is not a personal choice. Individual decisions, attitudes and behaviour that impacts on security can have consequences for the security of colleagues, friends and family. There needs to be a collective commitment to implementing good security practices.
- viii. Time and resources must be allocated to implementing the plan, as security cannot be improved by using people’s free time. In order to be seen as “important”, security activities must be placed alongside other “important” activities.

- ix. Everyone must be seen to follow the plan, especially managers and those responsible for other people's work. There must be consequences for individuals who persistently refuse to abide by the plan.

A plan drafted by two "experts" and presented to a whole organisation is likely to fall flat on its face. Participation is important.

Security plan: Pick and Mix

(Pick and mix these ideas to complete your security plan).

The organization's mandate, mission and general objectives.

An organizational statement on security policy.

Security should cut across all aspects of daily work: Context assessment, risk assessment and incident analysis, as well as security evaluation.

How to ensure that all staff are properly trained in security to the necessary level and that people's security responsibilities are passed on when they leave the organisation.

Allocation of responsibilities: Who is expected to do what in which situations?

How to handle a security crisis: Setting up a crisis committee or working group, delegating responsibility for handling the media, communicating with relatives, etc.

Organizational security responsibilities: Planning, follow-up, insurance, civil responsibility, etc.

Individual security responsibilities: Always reducing risk, how to handle free time or leisure activities, reporting and recording security incidents, sanctions (some of these points could be included in work contracts, if applicable).

1-Rest, free time and stress management.

2-Serious incidents, such as kidnapping, disappearance, personal injury, etc.

3-The security of witnesses.

4-Health and accident prevention.

5-Links with authorities, security forces and armed groups.

6-Information management and storage, handling confidential documents and information.

7-Your own image in relation to religious, social and cultural values.

8-Security management in offices and homes (including for visitors).

Prevention plans and protocols on:

- 1-Preparing field trips.
- 2-Handling cash or valuables.
- 3-Communication means and protocol.
- 4-Vehicle maintenance.
- 5-Landmines.
- 6-Reducing the risk of getting involved in common crime, armed incidents or sexual attacks.
- 7-Reducing the risk of accidents when travelling or in risky areas.

Plans and protocols for reacting to security crises, such as:

- 1-Medical and psychological emergencies (also in the field).
- 2-Attacks, including sexual attacks.
- 3-Robbery.
- 4-Reacting when a person does not show up when supposed to.
- 5-Arrest or detention.
- 6-Kidnapping.
- 7-Fire and other accidents.
- 8-Evacuation.
- 9-Natural disasters.
- 10-Legal or illegal searches or break-ins into offices or homes.
- 11-If a person comes under fire.
- 12-If someone is killed.
- 13-If there is a coup.

Chapter Fourteen

Making sure security rules and procedures are followed

To think about what makes staff and organisations unable or unwilling to follow security plans and procedures, and finding appropriate solutions.

Security is everybody's business

The issue of whether people and organisations actually follow security procedures and rules is a complex one. It is perfectly possible to have a good security plan, complete with preventive rules and emergency procedures; we can place security high on the agenda at all big meetings, etc, but people may still not follow the organisation's security rules.

This may seem incredible, given that LGBTI defenders are constantly under pressure and being threatened. But it happens.

If someone wants to know something about our work, they will not try to find out from the most careful person in the organisation. Rather, they will try to get close to someone who often gets drunk on Saturday nights in public bars or someone that is involved with commercial sex work or is renowned for having many sexual partners or is ostracised from the group and therefore easy prey. Similarly, if someone wants to scare your organisation, they probably will not attack a person who has taken all the necessary precautions. Rather, they will probably target someone who is usually quite careless about their own security. It will be that a careful person is attacked because the careless person left the door open. The point is that one person's carelessness can place everyone in greater danger. Much like the physical security of your office a potential aggressor will strike at the weakest point. **THAT COULD BE YOU!**

This is why security should be defined as an issue for the whole organisation, in addition to the individuals it involves. If only three out of 12 people follow the security rules, the whole organisation, including those who observe the rules, is put at risk. If the situation improves and nine people start following security rules, the level of risk is reduced. But the level of risk would still be much smaller if all 12 people followed the rules.

Security is an issue for the whole organisation, as well as for the individuals it involves

Having a good security plan is meaningless unless it is being followed. Let’s be realistic: Many people do not follow the rules or procedures. This lack of compliance amounts to the difference between good intentions and real-life effectiveness. It is nevertheless easier to confront this problem than its possible consequences.

Why don’t people follow security rules, and how can we avoid this from the outset?

First of all, the word “compliance” carries connotations of submissiveness and docility and should therefore be avoided. People are more likely to follow rules which they understand and accept, because they can then make them their own. The key word here is therefore “ownership”.

In order for a security procedure to be followed, everyone in the organisation has to embrace it. This doesn’t happen instantly. In order for staff to embrace a security procedure they must be allowed to participate in drawing it up and implementing it. Training, understanding and acceptance of the procedures are also crucial.

It is critical that LGBTI organisations work in line with the behavioural patterns of the members. Acceptance of our lifestyles can lead to the creation of better security plans and less chance of people refusing to change their behaviour in emergencies for example.

The relationship between individuals and organisations in security terms

CONCEPT	APPROACH: “EVERYONE MUST FOLLOW THE RULES”	APPROACH: THE INDIVIDUAL AND THE ORGANISATION HAVE AGREED ON THE RULES!
APPROACH	Rule-focused	Based on organisational and personal security needs
TYPE OF RELATIONSHIP BETWEEN THE INDIVIDUAL AND THE ORGANISATION	Normative or “paternalistic”	Based on dialogue
WHY DO WE FOLLOW THE RULES?	By obligation, to avoid sanction or expulsion	To observe an agreement, with room for criticism and improvement (because we agree with the purpose/need, in order to help protect our colleagues and the people we work with/for)
RESPONSIBILITY FOR SECURITY	Not shared Shared	Shared

Ownership is not just about “following rules”, but about establishing an agreement about the rules that will make individuals follow them because they understand them, see them as appropriate and effective, and feel they have a personal stake in them. For this reason, the rules should also conform to individuals, moral and ethical criteria and basic needs.

Ownership is not about simply “following rules”, but about respecting an agreement between the organisation and staff regarding security.

In order to maintain the agreement between staff members and the organisation it is important that the individual(s) responsible for security keep others constantly involved through briefings, reminders about aspects of the agreement, and by asking for people’s opinions on how appropriate and effective the rules are in practice.

Such involvement will however be of little value without an **organisational culture of security** which underpins formal and informal work procedures or programmes.

The necessary basis for people to observe security rules and procedures can be achieved through the following steps:

- Developing an understanding that security is important for the protection of victims, witnesses, family members, partners and colleagues, to enable the core work of the organization to continue.
- Developing and valuing an organisational security culture.
- Creating ownership of security rules and procedures.
- Making sure all staff participate in designing and improving security rules and procedures.
- Training people in security issues.
- Making sure all staff are convinced about the appropriateness and effectiveness of security rules and procedures.
- Establishing an agreement between the organisation and individuals about respecting security rules and procedures.
- Involving those responsible for security in briefing and training people; in reminding staff of the terms of the agreement and asking their opinions on how appropriate and effective the rules are in practice.

Why security rules and procedures are not followed

There is no prototype of a LGBTI defender who doesn’t follow security rules. Many people within an organisation often follow some rules but not others, or observe the rules sporadically.

There are many possible reasons why people don't observe the rules and procedures. To change this and ensure ownership, it is important to establish the causes and find solutions involving the concerned people in the process. It will also be useful to distinguish between the different reasons people may have to not follow the rules, because they will vary.

Some possible reasons for not observing security rules and procedures:

Unintentional:

- The defender is unaware of the rules.
- They don't apply the rules properly.

Intentional:

General problems:

- The rules are too complicated and difficult to follow.
- The procedures aren't within easy reach in the office or are presented in a way that makes them difficult to use day-to-day.

Individual problems:

- The rules are at odds with the individual's needs or interests and this conflict hasn't been resolved. Taking into account the various coping processes and strategies that LGBTI defenders will employ to overcome internalised feelings of homophobia etc. are important in understanding why individuals don't comply and need to be worked out as an organisation.
- The individual does not agree with some or all of the rules and considers them unnecessary, inappropriate or ineffective based on personal experience, previous information or training or because of personal beliefs/ attitude.

Group problems:

- Most staff don't follow the rules, or group 'leaders' either don't follow them or don't do so enough, because there is no organisational security culture.
- A general lack of motivation at work can lead people to ignore security rules.
- Divisions amongst the group based on accusations of behaviour putting others at risk.

Organisational problems:

- There aren't sufficient financial or technical resources to make it easy for staff to follow the rules.

- There's a contradiction between the rules and particular areas of work. For example, rules have been established by those in charge of security but ignored or not properly implemented by people working in programmes or accounts. Some rules might suit one work area and contradict another.
- Staff have a heavy workload and limited time, and don't prioritise some or all of the rules.
- A general lack of motivation, arising as a result of stress, workplace disputes, etc.

Organisational culture is both formal and informal, and must be developed not just in the organisation as a whole, but also in teams. A good organisational culture will show signs such as informal chatting, joking, parties, etc.

Monitoring the observance of security rules and procedures:

Direct monitoring:

Security rules and procedures can be incorporated in general work appraisals and "check-lists"; as well as in meetings before and after field missions, in work reports, on meeting agendas, etc.

Periodical reviews can also be carried out together with the teams in question, of issues such as the safe-keeping of sensitive information, copies and security manuals; of security protocols for visits to the organisation's headquarters; preparing activities, and so on.

Indirect monitoring:

Asking people for their views about rules and procedures, whether they are appropriate and easy to follow, etc, can establish whether staff actually know about the rules, whether they have been fully accepted or if there is disagreement which should be dealt with. Staff use of the security manual and any existing protocols and rules can also be reviewed.

It is very worthwhile to compile and analyse along with the people or teams in question, people's opinions and evaluations of security rules and procedures.

This can also be done off the record/anonymously or via a third party.

Retrospective monitoring:

Security can be reviewed by analysing security incidents as they arise. This must be handled especially carefully. Someone who has experienced a security incident might worry that it was their fault and/or that analysis will lead to sanctions against them. They might therefore be tempted to conceal it, leaving the incident,

or aspects of it, unreported.

Who does the monitoring?

Depending on the way the organisation operates, whoever is responsible for organising security, specific areas of work within security, and managing any security staff, will also be in charge of monitoring security.

What can we do if security rules and procedures aren't being followed?

1. Establish the causes, find solutions and put them into practice.
2. If the problem is intentional and only involves one individual, try to
 - Engage in a dialogue with the person to establish the cause(s) or motive.
 - Work with the individual's whole team (this can sometimes be inappropriate, depending on the case).
 - Apply a notice or warning system, so that the person is fully aware of the problem.
 - Use a system of gradual sanctions which could culminate in the person being dismissed.
3. Include a clause about observing security rules and procedures in all work contracts, in order for all staff to be fully aware of how important this is to the organisation.

In conclusion

Some may argue that a discussion of the reasons why people don't follow security rules is a waste of time, as there are more urgent or important things to be done. Those of that opinion normally think simply that rules are to be followed, full stop. Others are aware that the world doesn't always work that way.

Whatever your opinion, we now invite you to step back and analyse the degree to which security rules and procedures are being followed in the organisation(s) where you work. The results could be surprising and worth spending time on in order to avoid problems further down the line.

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-Different Rainbows edited by Peter Drucker

-Genders and sexualities in Modern Thailand, Peter A. Jackson and Nerida M. Cook

-Gender Outlaw on men, women and the rest of us, Kate Bornstein

GenderQueer Voices from beyond the sexual binary, Joan Nestle, Claire Howell and Riki Wilchins Ed.

-Gender Trouble, Judith Butler

-Identity and Violence, Amartya Sen

-Interdicciones, Mauro Cabral Ed.

-Transgender Voices Beyond women and men, Lori B Girshick

-La sociedad arco iris, Javier Montilla

-The Transgender Studies Reader, Susan Stryker and Stephen Whittle Ed.

-Transgender History, Susan Stryker

-Sexual Orientation, Gender Identity and international Human Rights Law, Practitioners Guide No. 4 International Commission of Jurists/ Allison Jernow

-In The Public Interest- Essays on Public Interest, Litigation and Participatory Justice, Mario Gomez

-International Law, Malcolm N. Shaw

-Intimate Relations- Exploring Indian Sexuality, Sudhir Kakar

-Ladyboys, Tomboys, Rentboys Male and Female homosexualities in Contemporary Thailand, Peter A Jackson and Gerard Sullivan

-Ladyboys, The Secret World of Thailand's Third Gender, Susan Aldous and Pornchai Sereemongkonpol

-Male Homosexuality in Modern Japan, Mark J. McLelland,

-Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe, George Mosse

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-PTSD-Post Traumatic Stress Disorder, Dr. Ruwan Jayatunge MD

-Qur'an A New translation by M.A.S. Abdel Haleem

-Sexual Sites, Seminal Attitudes- Sexualities, Masculinities and Culture in South Asia, Editor Sanjay Srivastava

³⁰ Please refer to Caraj and Eguren for a comprehensive list of sources and useful material on Security and Protection.

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-*Toms and Dees Transgender Identity and Female Same Sex Relationships in Thailand*, Megan J. Sinnott

-*Unspeakable Love- Gay and Lesbian life in the Middle East*, Brian Whitaker

-*Violence, Law and Women's Rights in South Asia*, edited by Savitri Goonesekere

-*Woman, Man, Bangkok-Love. Sex and Popular Culture in Thailand*, Scot Barme

Papers:

-*The doctrine of state responsibility as a potential means of holding private actors accountable for human rights*. Melbourne Journal of International Law May, 2004

-*Homosexuality and Human Rights in Latin America*, Shaun Kirven

-*How to Promote and Protect the Human Rights of LGBT People - a toolkit for the FCO*, British Foreign and Commonwealth Office

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http://www.combatlaw.org/print.php?article_id=330&issue_id=13

-*Human rights and Sexual orientation*, The People's Movement for Human Rights Education
www.pdhre.apc.org

-*Iraq: Sexual Orientation, Human Rights and Law*, Edward TJ Brown

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-*Peeing in Peace, A Resource Guide for Transgendered Activists and Allies*, TLC <http://transgenderlawcenter.org/pdf/PIP%20Resource%20Guide.pdf>

-*The Politics Behind Cultural Relativism*, Maryam Namazie <http://www.butterfliesandwheels.com/articleprint.php?num=74>

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- *Constituição da República federative do Brasil* (Atualizada até Enmenda Constiitutional nº 47, de 5.7.2005)

Convention on the Rights of the Child, 1989, <http://www2.ohchr.org/english/law/crc.htm>

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

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<http://www.unhchr.ch/html/menu3/b/21.htm>

International Covenant on Civil and Political Rights 1966
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-*Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, Maastricht, January 1997. http://www1.umn.edu/humanrts/instree/Maastrichtguidelines_.html

-*South African Constitution*, 1996 <http://www.info.gov.za/documents/constitution/1996/96cons2.htm>

-*UK Human Rights Act 1998* http://www.opsi.gov.uk/ACTS/acts1998/ukpga_19980042_en_1

Universal Declaration of Human Rights 1948
<http://www.un.org/Overview/rights.html>

UN Security Council Resolution 1820 June 2008
<http://daccessdds.un.org/doc/UNDOC/GEN/N08/391/44/PDF/N0839144.pdf?OpenElement>

Useful Websites:

Amnesty International www.amnesty.org

Human Rights Watch www.hrw.org

International Commission of Jurists www.icj.org

International Gay and Lesbian Human Rights Commission www.iglhrc.org

International Lesbian and Gay Association www.ilga.org

International Service for Human Rights ISHR, www.ishr.org

Intersex Initiative www.intersexinitiative.org

Intersex South Africa www.intersex.org.za

Office of the High Commissioner for Human Rights www.ohchr.org

Protection International www.protectioninternational.org www.protectionline.org

Transgender Law Center www.transgenderlawcenter.org

UK Intersex Association www.ukia.org

Appendix one:

The Yogyakarta Principles - an Overview

The Yogyakarta Principles address a broad range of international human rights standards and their application to issues of sexual orientation and gender identity.

This Overview provides a short outline of the Principles, and some examples of their application.

Please refer to the Principles themselves for a detailed awareness of the text.

Preamble: The Preamble acknowledges human rights violations based on sexual orientation and gender identity, establishes the relevant legal framework, and provides definitions of key terms.

Rights to Universal Enjoyment of Human Rights, Non-Discrimination and Recognition before the Law: Principles 1 to 3 set out the principles of the universality of human rights and their application to all persons without discrimination, as well as the right of all people to recognition before the law.

Example:

Laws criminalising homosexuality violate the international right to non-discrimination (decision of the UN Human Rights Committee).

Rights to Human and Personal Security: Principles 4 to 11 address fundamental rights to life, freedom from violence and torture, privacy, access to justice and freedom from arbitrary detention.

Examples:

The death penalty continues to be applied for consensual adult sexual activity between persons of the same sex, despite UN resolutions emphasizing that the death penalty may not be imposed for “sexual relations between consenting adults.”

Eleven men were arrested in a gay bar and held in custody for over a year. The UN Working Group on Arbitrary Detention concluded that the men were detained in violation of international law, noting with concern that “one of the prisoners died as a result of his arbitrary detention”.

Economic, Social and Cultural Rights: Principles 12 to 18 set out the importance of non-discrimination in the enjoyment of economic, social and cultural rights, including employment, accommodation, social security, education and health.

Examples:

Lesbian and transgender women are at increased risk of discrimination, homelessness and violence (report of UN Special Rapporteur on adequate housing).

Girls who display same-sex affection face discrimination and expulsion from educational institutions (report of UN Special Rapporteur on the right to education).

The UN High Commissioner for Human Rights has expressed concern about laws which “prohibit gender reassignment surgery for transsexuals or require intersex persons to undergo such surgery against their will”.

Rights to Expression, Opinion and Association: Principles 19 to 21 emphasise the importance of the freedom to express oneself, one’s identity and one’s sexuality, without State interference based on sexual orientation or gender identity, including the rights to participate peaceably in public assemblies and events and otherwise associate in community with others.

Example:

A peaceful gathering to promote equality on the grounds of sexual orientation and gender identity was banned by authorities, and participants were harassed and intimidated by police and extremist nationalists shouting slogans such as “Let’s get the fags” and “We’ll do to you what Hitler did with Jews” (report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia & related intolerance).

Freedom of Movement and Asylum: Principles 22 and 23 highlight the rights of persons to seek asylum from persecution based on sexual orientation or gender identity.

Example:

Refugee protection should be accorded to persons facing a well-founded fear of persecution based on sexual orientation (Guidelines of the United Nations High Commissioner for Refugees).

Rights of Participation in Cultural and Family Life: Principles 24 to 26 address the rights of persons to participate in family life, public affairs and the cultural life of their community, without discrimination based on sexual orientation or gender identity.

Example:

States have an obligation not to discriminate between different-sex and same-sex relationships in allocating partnership benefits such as survivors’ pensions (decision of the UN Human Rights Committee).

Rights of Human Rights Defenders: Principle 27 recognises the right to defend and promote human rights without discrimination based on sexual orientation and gender identity, and the obligation of States to ensure the protection of human rights defenders

working in these areas.

Examples:

Human rights defenders working on sexual orientation and gender identity issues in countries and regions around the world “have been threatened, had their houses and offices raided, they have been attacked, tortured, sexually abused, tormented by regular death threats and even killed. A major concern in this regard is an almost complete lack of seriousness with which such cases are treated by the concerned authorities.” (report of the Special Representative of the UN Secretary-General on Human Rights Defenders).

Rights of Redress and Accountability: Principles 28 and 29 affirm the importance of holding rights violators accountable, and ensuring appropriate redress for those who face rights violations.

Example:

The UN High Commissioner for Human Rights has expressed concern about “impunity for crimes of violence against LGBT persons” and “the responsibility of the State to extend effective protection.” The High Commissioner notes that “excluding LGBT individuals from these protections clearly violates international human rights law as well as the common standards of humanity that define us all.”

Additional Recommendations: The Principles set out 16 additional recommendations to national human rights institutions, professional bodies, funders, NGOs, the High Commissioner for Human Rights, UN agencies, treaty bodies, Special Procedures, and others.

Example:

The Principles conclude by recognising the responsibility of a range of actors to promote and protect human rights and to integrate these standards into their work. A joint statement delivered at the UN Human Rights Council by 54 States from four of the five UN regions on 1 December 2006, for example, urges the Human Rights Council to “pay due attention to human rights violations based on sexual orientation and gender identity” and commends the work of civil society in this area, and calls upon “all Special Procedures and treaty bodies to continue to integrate consideration of human rights violations based on sexual orientation and gender identity within their relevant mandates.” As this statement recognises, and the Yogyakarta Principles affirm, effective human rights protection truly is the responsibility of all.

Appendix Two:

Information needed to assess a group's vulnerabilities and capacities

(Note: Generally speaking, the information from the column to the right may show that a given component -on the column to the left-is either a vulnerability or a capacity of a given defender or group of defenders).

COMPONENTS OF VULNERABILITIES AND CAPACITIES	INFORMATION NEEDED TO ASSESS THE VULNERABILITIES OR CAPACITIES OF THOSE COMPONENTS
GEOGRAPHICAL, PHYSICAL AND TECHNICAL COMPONENTS	
EXPOSURE	The need to be in, or to pass through, dangerous areas to carry out normal daily or occasional activities. Threatening actors in those areas.
PHYSICAL STRUCTURES	The characteristics of housing (offices, homes, shelters); building materials, doors, windows, cupboards. Protective barriers. Night lights.
OFFICES AND PLACES OPEN TO PUBLIC	Are your offices open to visitors from the general public? Are there areas reserved only for staff? Do you have to deal with unknown people that come to your place? These are important questions when running drop in centres for sexual health activities.
HIDING PLACES,ESCAPE ROUTES, SAFE HOUSES	Are there any hiding places? How accessible are they (physical distance) and to whom (for specific individuals or the whole group)? Can you leave the area for a while if necessary?
ACCESS TO THE AREA	How difficult is it for outside visitors (government officials, NGOs, etc.) to access the area, for example in a dangerous neighbourhood? How difficult is access for threatening actors?
TRANSPORT AND ACCOMMODATION	Do you have access to safe transportation (public or private)? Do these have particular advantages or disadvantages? Do you have access to safe accommodation when travelling?
COMMUNICATION	Are telecommunications systems in place (radio, telephone)? Do you have easy access to them? Do they work properly at all times? Can lines be cut by threatening actors before an attack?
COMPONENTS LINKED TO CONFLICT	
LINKS TO CONFLICT PARTIES	Do defenders have links with conflict parties (relatives, from the same area, same interests, sexual partners) that could be unfairly used against you?
DEFENDERS' ACTIVITIES AFFECTING A CONFLICT PARTY	Does your work directly affect an actor's interests? (For example, when promoting both the right to sexual health or LGBTI rights does this affect the capacity to control of powerful actors) is your work a specially sensitive issue for powerful actors?

TRANSPORTATION OF ITEMS AND GOODS AND WRITTEN INFORMATION	Do defenders have items or goods that could be valuable to armed groups, and therefore increase the risk of targeting (petrol, humanitarian aid, batteries, human rights manuals, health manuals, mobile phones etc.)?
KNOWLEDGE ABOUT FIGHTING AND MINED AREAS	Do you have information about the fighting areas that could put you at a risk? And about safe areas to help your security? Do you have reliable information about mined areas?
COMPONENTS LINKED TO THE LEGAL AND POLITICAL SYSTEM	
ACCESS TO AUTHORITIES AND TO A LEGAL SYSTEM TO CLAIM YOUR RIGHTS	Can defenders start legal processes to claim your rights? (Access to legal representation, physical presence at trials or meetings, etc.) Can defenders gain appropriate assistance from relevant authorities towards their work and protection needs?
ABILITY TO GET RESULTS FROM THE LEGAL SYSTEM AND FROM AUTHORITIES	Are you legally entitled to claim their rights? Are same-sex acts still illegal in your country? Are there cases where sexual practices have been used against you or other defenders? Where you or these other defenders involved in sensitive cases at the time? Are you subject to repressive internal laws? Can you gain enough political power to make authorities take note of your claims and repeal repressive laws?
REGISTRATION,CAPACITY TO KEEP ACCOUNTS AND LEGAL STANDARDS	Are you or your organisation denied legal registration or subjected to long delays? Is your organisation able to keep proper accounts and meet national legal standards? Do you use pirate computer software? Do you use illegal software such as encryption programmes?
MANAGEMENT OF INFORMATION	
SOURCES AND ACCURACY OF INFORMATION	Do you have reliable sources of information to base accusations on? Do you publicise information with the necessary accuracy and method?
KEEPING,SENDING AND RECEIVING INFORMATION	Can you keep information in a safe and reliable place? Could it get stolen? Can it be protected from viruses and hackers? Can you send and receive information safely?
BEING WITNESSES OR HAVING KEY INFORMATION	Are you key witnesses to raise charges against a powerful actor? Do you have relevant and unique information for a given case or process? Is there fear of reprisals from security forces? Is there a fear of sexuality being publicised?
HAVING COHERENT AND ACCEPTABLE EXPLANATION ABOUT YOUR WORK AND AIMS	Do you have a clear, sustainable and coherent explanation of their work and objectives? Is this explanation acceptable, or at least tolerated, by most/all stakeholders (specially armed ones)? Are all members of the group able to provide this explanation when requested?
SOCIAL AND ORGANISATIONAL COMPONENTS	
EXISTENCE OF A GROUP STRUCTURE	Is the group structured or organised in any way? Does this structure provide an acceptable level of cohesiveness to the group?

ABILITY TO MAKE JOINT DECISIONS	<p>Does the group's structure reflect particular interests or represent the whole group (extent of membership)? Are the main responsibilities carried out and decision-making done by only one or a few people? Are back-up systems in place for decision-making and responsibilities? To what degree is decision-making participatory? Does the group's structure allow for:</p> <p>a) joint decision making and implementation, b) discussing issues together, c) sporadic, ineffective meetings, d) none of the above?</p>
SECURITY PLANS AND PROCEDURES	<p>Are security rules and procedures in place? Is there a broad understanding and ownership of security procedures? Do people follow the security rules?</p>
SECURITY MANAGEMENT OUTSIDE OF WORK (FAMILY AND FREE TIME)	<p>How do you manage their time outside of work (family and free time)? Alcohol and drug use represent great vulnerabilities. Relationships can also result in vulnerabilities (as well as strengths) Are their strict social codes that govern behaviour? Could your behaviour be perceived as undermining these codes?</p>
WORKING CONDITIONS	<p>Are there proper work contracts for everyone? Is there access to emergency funds? Insurances?</p>
RECRUITING PEOPLE	<p>Do you have proper procedures for recruiting personnel or collaborators or members? Do you have a specific security approach for your occasional volunteers (such as students, for example) or visitors to your organization?</p>
WORKING WITH PEOPLE OR WITH INTERFACE ORGANIZATIONS	<p>Is your work done directly with people? Do you know these people well? Do you work with an organization as an interface for your work with people?</p>
TAKING CARE OF WITNESSES OR VICTIMS YOU WORK WITH	<p>Do you assess the risk of victims and witnesses, etc, when you are working on specific cases? Do you have specific security measures when you meet them or when they come to your office? If they receive threats, how do you react?</p>
NEIGHBOURHOOD AND SOCIAL SURROUNDINGS	<p>Are LGBTI defenders socially integrated in the local area? Do some social groups see your work as positive? Do some regard your work as negative?</p> <p>Are you surrounded by potentially hostile people (neighbours as informers, for example)? Do people regard hospices or drop in centres in a positive or negative way?</p>
MOBILIZATION CAPACITY	<p>Are you able to mobilize people for public activities? Have marches or demonstrations ever been banned by local authorities? How does the Media respond to your public activities?</p>
PSYCHOLOGICAL COMPONENTS (GROUP/INDIVIDUALS)	
ABILITY TO MANAGE STRESS AND FEAR	<p>Do key individuals, or the group as a whole, feel confident about their work? Do people clearly express feelings of unity and joint purpose (in both words and action)? Are stress levels undermining good communications and interpersonal relationships?</p>

DEEP FEELINGS OF PESSIMISM OR PERSECUTION	Does rejection by family and friends lead to depression? Are feelings of depression and loss of hope being clearly expressed (in both words and action)? Are problems at home dealt with within the working environment? Are financial and family related problems openly discussed?
SECRECY AND FEAR OF PUBLICITY	Are you able to tell your parents and friends where you work? Would they understand? Are you able to be open with family and friends about you sexuality?
COPING STRATEGIES	Could the coping strategies developed on a personal level have a negative effect on organisational security? Could individual sexually promiscuous behaviour present a threat to organisational security? Does the organisation/peer group have the capacity to influence personal behaviour patterns?
WORK RESOURCES	
ABILITY TO UNDERSTAND WORK CONTEXT AND THE DANGERS INVOLVED	Do you have access to accurate information about their working environment, other stakeholders and their interests? Are you able to process that information and get an understanding of threats, vulnerabilities and capacities?
ABILITY TO DEFINE ACTION PLANS	Can you define and, in particular, implement action plans? Are there previous examples of this?
ABILITY TO OBTAIN ADVICE FROM WELL INFORMED SOURCES	Can the group obtain reliable advice? From the right sources? Can the group make independent choices about which sources to use? Do you have access to particular organisations or membership status that enhances your protection capacities?
PEOPLE AND AMOUNT OF WORK	Do the people or personnel available match the amount of work needed? Can you plan field visits/outreach activities in teams (at least two people)?
FINANCIAL RESOURCES	Do you have enough financial resources for your security? Can you manage cash in a safe way? Are you carrying out activities that do not necessarily correspond to the project? Do your donors know this? Are your donors happy with rights based projects or would they prefer a concentration on health/ HIV and AIDS work?
KNOWLEDGE ABOUT LANGUAGES AND AREAS	Do you know the languages needed for the work in this area? Do you know the area properly? (roads, villages, public phones, mobile coverage, health centres, etc.)
ACCESS TO NATIONAL AND INTERNATIONAL CONTACTS AND MEDIA	
ACCESS TO NATIONAL AND INTERNATIONAL NETWORKS	Do you have national and international contacts? To visiting delegations, embassies, other governments, etc? To community leaders, religious leaders, other people of influence? Can you issue urgent actions via other groups?
ACCESS TO MEDIA AND ABILITY TO OBTAIN RESULTS FROM THEM	Do you have access to media (national, international)? To other media (independent media)? Do you know how to manage media relations properly? Does the organisation have any influence over how it is portrayed in the media at both a national and local level?

Appendix Three:

PI advocacy recommendations for HRD related to EU Missions, EU Members States Embassies and Special EU representatives (more tips on www.protectionline.org)

Since the adoption of the UN Declaration, the following mechanisms have been established to protect defenders worldwide:

- The mandate of **United Nations Special Representative of the Secretary General on Human Rights Defenders**, created by the UN Commission on Human Rights
- The mandate of **Special Reporter of the African Commission on Human and People's Rights**
- **Resolution on the protection of human rights defenders in Africa** from the African Commission on Human and Peoples' Rights (ACHPR) meeting at its 35th ordinary session held from 21st May to 4th June 2004, in Banjul, the Gambia.
- The **Human Rights Defenders Unit of the Inter-American Commission on Human Rights**.
- The EU has also adopted specific **Guidelines on Human Rights Defenders** as a tool that EU missions should implement to protect defenders in third countries.
- **Council of Europe:** Adoption of the Declaration of the Committee of Ministers for enhanced protection of human rights defenders **February 18, 2008**.

In 2004, the EU Council of Ministers adopted the EU Guidelines on Human Rights Defenders. The EU Guidelines reiterate the UN Declaration on HRD and direct specific recommendations to all EU Missions and EU Members States. EU recommendations aim at:

- adopting proactive policies for the protection of HRDs
- Using diplomatic avenues to obtain, from local and national governments of the defenders affected, the commitment to the full respect of defenders' rights.
- Ask the EU to encourage third governments to extend standing invitations to all UN Special Mechanisms especially the UN Special Rapporteur for Human Rights Defenders

The EU Guidelines and local implementation strategies (LIS) can also be obtained from EU Desks and Members States embassies.

The EU Missions (EU Member States Embassies and EU Commission Delegations) constitute the first point of contact between the EU, EU Member States and the local HRDs)

PI therefore recommends that HRD at the very least:

- ask for the EU Guidelines to be translated into the defenders' language and distributed to HR organisations and national and local authorities
- Ask the EU to develop local implementation strategies for the EU Guidelines that include the creation of working groups on the protection of defenders and that meet regularly to discuss and propose actions. This regular contact will allow EU Missions to be kept informed about both the situation of defenders and their reported recommendations on the protection and support measures to be taken
- send regular information updates about their situation to the EU Heads of Mission (HoM) and to national and international NGOs in order to raise awareness and increase coordination between stakeholders
- maintain regular contact with EU Missions so that local defenders can be informed about the EU Guidelines and the EU Mission initiatives for the protection of defenders
- invite HoM or HR officers to visit area of work of defenders especially where defenders are at particular risk (for instance, in conflict areas or places where defenders have been already attacked or threatened)
- request urgent actions when defenders are threatened or arrested
- request safe places and full assistance to defenders at risk
- solicit or accept invitations and promotion from EU Missions once defenders have carried out a risk assessment on the impact of their profile possibly being raised. Highlight possible consequent security issues and request support.
- Request assistance and observation by EU HoM in the event of trials of defenders. This can guarantee a fair trial but a presence is required throughout the proceedings (from the reading of the indictment to the reading of the sentence) in order to guarantee independence. Ask for the observers to communicate with the defender on trial. Ask for EU observers also to be present at trials against HR violators in order to avoid impunity for their crimes.
- be updated on visits to the defenders' country by the EU Presidency, CFSP - Common Foreign and Security Policy High Representative, EU Special Representatives or EU Commission Members, and request meetings with them.
- ask for the situations of HRDs to be included in the agenda of political dialogue between EU, and the defenders' country and regional organisations.
- ask for coordinated political actions with other stakeholders, particularly with the UN Human Rights Council and the UN General Assembly. Ask for coordination with existing regional bodies for the protection of HR and defenders such as the African Commission on Human and Peoples' Rights, and the Defenders' Unit of the Inter-American Commission on Human Rights.
- ask for the EU Heads of Mission (HoM) to include the indicators established by the UN Special Rapporteur for Human Rights Defenders (A/HRC/4/37) to be included in reports to Capitals and for these reports be made public and accessible to defenders

Fundraising

HRDs can fundraise directly with embassies (HR Programmes) and with the EU via the European Instrument for Democracy and Human Rights (EIDHR). EIDHR allows the European Commission to fund NGOs without the approval of the Government of the third country. http://ec.europa.eu/europaid/projects/eidhr/index_en.htm or simply EIDHR. More information about other financial instruments available through the same link.

Furthermore:

Although the EU Guidelines cover EU missions, EU Institutions and EU Member States and their Embassies, defenders should remember that support can also be sought via other diplomatic corps and international organisations as the UN Declaration on HRDs can be used with all UN Member States.

Appendix Four:

Suggested schedule for first phase capacity building and security training for LG-BTI Defenders³¹

DAY ONE		
Timing ²⁴	Session	Brief explanation of concepts
8.30-9.00	Introductions and expectations	Brief introductions-might take longer with victims groups- and each participant and facilitator is to give an expectation that they have for the training- write these down on flip chart and be sure to address any that do not correspond to the content there and then.
9.00-10.00	Rights at Stake-See Chapter one	Information sharing about the human rights of LGBTI persons. Establish that by working visibly on equality and non-discrimination that LGBTI persons are human rights defenders and that as defenders they have rights namely to criticize, develop new human rights ideas, to access funds and to protection.
10.00-10.15 break		
10.15-11.00	Political Analysis-See chapter two	The concept behind this session is to give defenders the tools to analyse and understand the environment they work with by assessing both the impact their work has on the actors and the inter-relationship between those actors. You can begin as the manual suggests with a role play to introduce the idea. Remember to stress that political environment is constantly changing and analysis needs to be updated.
11.00-11.30	Risk Assessment-See Chapter Three	Brief introduction to the concept that levels of risk can be broken down into the different components and that way understood and evaluated. Briefly explain the different components and the idea behind the formula
11.30-12.30	Working Groups	Divide the participants in groups of four to five and suggest three or four different fictitious organizations to include urban and rural NGOs, SOGI rights, health issues etc and ask each group to apply the formula and assess the level of risk for one of the fictitious organizations suggested.
12.30-13.00	Report back	Give feedback on the presentations and initiate discussions amongst the participants themselves
Lunch		

³¹ The second phase or follow-up training should be tailored to the experiences of the first phase training after they have begun to develop and implement their security plans. It is wise to allow around 6 months between trainings

³² Workshops can often over run-these are estimated times- it would be wise to allow three full days minimum for each first phase training.

14.00-14.30	Threat Assessment-see chapter three	Explain that this session will focus on direct or target threats. That threats have an objective and that they can also provide valuable information about perpetrators weaknesses vital for developing security and protection measures to reduced the threat.
14.30-15.30	Working Groups	Either develop scenarios before hand and give out to the working groups (again three to four) or take one threat that one of the participants has received and work with that. It may be best to work with pre developed threats and scenarios. In developing these scenarios make sure you contextualize them and also create possibility of more than one "answer" when it comes to author in order to generate discussions in the groups
15.30-15.45 Break		
15.45-16.30	Feedback and discussion	Again facilitate discussions between the groups and give feedback of your own
16.30 End of Day		
DAY TWO		
9.00-9.30	Security Incidents-Also See Chapter Three	Brief presentation that highlights the need to note, analyse and respond to security incidents
9.30-10.00	Preventing Aggressions being carried out against defenders-Again see Chapter Three	Brief presentation that stresses that an potential aggressor needs three things and that as defenders you perhaps only have influence over one of those three things-Access
10.00-10.15 Break		
10.30-11.00	Organisational Image-see Chapter Four	Begin to discuss the idea that our behavior can negatively impact on our security
11.00-12.00	Work groups	Discuss the examples included in the chapter of the manual and begin to look at ways in which we can maintain or improve our image within the wider society.
12.00-12.30	Feedback	Again try to generate a discussion amongst the groups
12.30-13.00	Security Wheel-see Chapter Eleven	Draw the wheel on flip chart paper or white board and then begin to colour in the segments asking the participants to shout STOP when they think they have reached the current level . KEEP IT LIGHT AND FUN especially as it follows the session where discussing issues such as promiscuity can often cause tensions
13.00-14.00 Lunch		
14.00-15.00	Improving security at home and in the Office-See Chapter Ten	Introduction to the idea of creating filters and physical barriers. Highlight differences of drop in centers with offices focusing on human rights with offices that double up as social centers in the evenings

15.00-15.15 break		
15.15-16.00	Group work	In three groups ask the participants to carry out an analysis of the building that the training is being held in. one group the external perimeter , second group the internal and the third the room which the training is being held in. Ask them to look at negative points positive points and what needs to be improved in order to make the “office” secure.
16.00-16.30	Feedback and discussion	
16.30 End of day		
DAY THREE		
9.00-9.30	Introduction to Security Planning-practical steps-see Chapter Twelve	Introduce concept of defenders working environment and that the basic objective it to be able to expand that space. Introduce ideas of political costs and how it is important that they outweigh the benefits-deterrence whilst working on tolerance.
9.30-11.00(includes Break)	Group work	Bring back the risk assessment exercises and divide group up into same groups as before now ask the participants to develop a security plan based on the risk assessment already carried out. REMEMBER to stress that they need to clarify objectives of their plans and establish actions that they are going to carry out to reach those objectives.
11.00-12.00	Feedback and Discussion	Encourage questions and comments from other participants. Offer constructive criticism and get them to see for themselves that perhaps all the negative consequences of their proposed actions were not addressed. The plan needs to contain the risk by reducing threats and vulnerabilities and enhancing capacities.
12.00-13.00	Discussion on what next after the training-Q&A session	Use this to allay any concerns that the participants have and to clarify any misunderstandings
13.00-13.30	Evaluation	Prepare in advance a list of questions that you think will help the participants define their experience in the training and also give them the space to make comments as to the trainings improvement. Smaller evaluations can also be done at the end of every day using more active methods such as asking participants to rate sessions by moving to corners of the room and then you count the number in each corner.
13.30 Close and Lunch-don't forget to highlight how hard the participants have worked.		

Shaun Kirven

Shaun Kirven has been working in the field of human rights for over 18 years with a specific focus on the human rights of women and minority groups particularly the human rights of people with learning difficulties and sexual and gender minorities. He is an expert in non-discrimination and equality. With over 15 years experience in developing and delivering training programmes on the universality of human rights he now works for Protection International concentrating on the protection of human rights defenders in Asia through training and advocacy.



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Maria Caraj

Interpreter and expert in protection. Member of the Research and Training unit of Protection International. She has worked with PBI and PBI-BEO (1985-2007). Succession of short missions in Africa, Asia, Latin America. Consultant, trainer and researcher.



- *Most importantly strategic and careful planning of the security measures and their effective implementation. The session on human rights on the first day was very useful. Expectations fulfilled? Yes, especially my concern on the visibility and how to reduce the negative impact. Great work could be really useful for Bangladeshi LGBTI community...*

(Bangladeshi LGBTI Defender)

- *The training is very relevant for all of us but especially for our lesbian friends. Examples from different countries allowed us to understand about the kinds of threats those defenders and LGBTI community have to face and how to create our own secure environment. These kind of trainings should be given more frequently especially to those in marginalized communities...*

(Sri Lankan LGBTI Defender)

- *We began the training without really understanding anything now we not only understand our rights as LGBTI but more on human rights and the responsibility of human rights defenders...*

(Nepalese LGBTI Defender)

- *After sharing so many things we came to understand that there might be consequences if we work for our rights and become more visible. We need to plan to overcome them...*

(Thai LGBTI Defender)

- *I learnt about LGBTI defenders and how can we protect ourselves and our organizations and about our vulnerabilities and how can we look for support from other organizations. I learned about individual and organizational risk, threats, capacities, and vulnerabilities... I still have to learn more things.*

(Indian LGBTI Defender)

- *I Hope PI will again provide such a programme for us...*

(Nepalese LGBTI Defender)



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wirtschaftliche Zusammenarbeit
und Entwicklung

i f a



Institut für Auslands-
beziehungen e. V.



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One-stop website on protection for human rights defenders:

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