

Abstract

This author has found through professional and personal experience that throughout the world, women directly affected by injustice have led demands for accountability. The purpose of this article is to challenge mainstream human rights groups to create a different type of partnership between themselves and the people for whom they advocate by seeking the involvement of "victims," including leaders of successful "victim-led" initiatives. This approach will result in more appropriate policy recommendations and will enhance both entities' capacity for outreach. Moreover, it will bring mainstream human rights organizations into greater compliance with their own stated values, as well as exemplifying the same respect, flexibility, and accommodation that these groups often recommend to governmental, political, and institutional entities.

Cet auteur a découvert dans son expérience professionnelle et personnelle que dans le monde entier, les femmes directement affectées par l'injustice ont milité pour exiger la prise de responsabilité. L'objectif de cet article est de lancer un défi aux principaux groupes des droits de l'homme pour qu'ils créent un type de partenariat distinct entre eux et les personnes qu'ils défendent en recherchant la participation des "victimes" y compris les leaders d'initiatives réussies "menées par les victimes." Cette approche aboutira à des recommandations mieux adaptées et renforcera la possibilité d'action des deux entités. De plus, il aboutira à un plus grand respect des organisations principales de droits de l'homme à leurs propres valeurs déclarées, et donnera en exemple le même respect, la même souplesse et la même adaptation à ces groupes souvent recommandés aux entités gouvernementales, politiques et institutionnelles.

Esta autora ha encontrado por medio de experiencia profesional y personal que en todo el mundo las mujeres directamente afectadas por la injusticia han dirigido demandas de responsabilidad. El propósito de este artículo es desafiar a los grupos principales para la defensa de los derechos humanos a crear un tipo diferente de asociación entre ellos mismos y las personas a quienes defienden, al buscar la participación de "víctimas", incluso líderes de iniciativas exitosas "promovidas por las víctimas". Este método dará por resultado recomendaciones de política más apropiadas y aumentará la capacidad de ambas entidades para el servicio de ayuda social. Más aún, llevará a las organizaciones principales de derechos humanos hacia un mayor apego a sus propios valores declarados, así como a ejemplificar el mismo respeto, flexibilidad y adaptación que estos grupos a menudo recomiendan a entidades gubernamentales, políticas e institucionales.

MODELS OF RESISTANCE: “Victims” Lead

Theresa M. McGovern

Throughout the world, women directly affected by injustice have led demands for accountability, justice, and rights. Sex workers in India and Ecuador, for example, have organized themselves to demand safer working conditions and police protection.^{1,2} Similarly, HIV-positive women have played key roles in “victim-led” movements for universal access to treatment, such as the Treatment Action Campaign in South Africa.^{3,4,5} In the aftermath of state or military sponsored political violence, Madres and Abuelas de la Plaza de Mayo of Argentina and Women In Black, of the former Yugoslavia, have demanded recognition of human rights abuses, the return of the disappeared, and reparative justice.^{6,7} Others living in the midst of militaristic, ethnic, or religious conflict, like women in Sri Lanka, have sought to end the violence. In the United States and Algeria, in the wake of fundamentalist violence, women “victims” have demanded justice and accountability from state and non-state actors alike.⁸ These are just a few examples of how women “victims” have gone beyond that narrowly prescribed role to become leaders and strategists.⁹

Far more analysis is needed in the human rights context of the strategic impact and capacity of “victim-led” initiatives for justice — movements that often operate outside traditional human rights advocacy structures and the institution- and court-centric approach of those organizations. The demands of “victim-led” groups, like those of mainstream

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human rights organizations, often include calls for criminal prosecution or conditions for reparations or remuneration. In other ways, however, they are fundamentally different, not only in content but also in method, since one of the primary means to their ends is the leveraging of victim-hood itself. This phenomenon of “victims” of political violence using their “victim” status to demand political change has occurred throughout the world despite vast differences in socioeconomic status, privilege, and context.

This article will describe how I came to learn of this phenomenon of “victim-led” advocacy in my work as an attorney representing HIV-positive women, and as a “victim” of the 9/11 attacks that killed over 3,000 people in the United States, including my mother, who died at the World Trade Center. It will examine the ways in which the narratives of victim-hood in the reports of mainstream human rights organizations reinforce the singular identity of “victim” for their narrators, denying them subjectivity and denying them opportunities for agency. Finally, it will describe the strategies and successes of “victim-led” initiatives from the United States, Rwanda, and Sri Lanka as the basis for the larger challenge that they offer to mainstream human rights groups: to create a different type of partnership between themselves and the people for whom they advocate — one that willingly dismantles the victim/advocate binary and emphasizes the participation, strategic significance, and agency of those who have suffered the harm.

When mainstream human rights groups that document the harms being committed most often by states limit the participation and representation of “victims” to that of narrators of the harm done to them, they unwittingly reinforce the single-faceted identity that has been forced upon “victims” — first by the event itself, and later by the media, officials, and even their communities. The shortcomings of this approach and the advantages of fundamentally reworking it are many. As will be discussed at greater length in this article, human rights organizations that do not acknowledge “victims” as more than the harm done to them, and fail to make use of their leadership capabilities and strategies, miss the opportunity to do more, better, and more just work.

Women Living with HIV Achieve Strategic Victories

My own work for over 10 years as the director of the HIV Law Project introduced me to the strategically valuable role that women living with HIV can play in achieving change in HIV policy.¹⁰ The HIV Law Project is a New York City-based advocacy organization that works to protect, assert, and develop the rights of women and low-income individuals with HIV in New York City. In the late 1980s, when I began attending city, state, and federal meetings about the HIV epidemic, there were few HIV-positive women participating in the policy-making process. To the extent that HIV-positive women were invited to meetings, they seemed to be invited for the purpose of telling of the pain and suffering that they or their children had endured. (The HIV-positive men, however, were asked to participate in the policy-making process.)

At this time there were numerous discriminatory policies in place. For example, although 40% of the people infected with HIV in New York by the late 1980s were women, the standard definition of AIDS at that time did not take into account many of the ways in which the syndrome manifested in women's bodies, including bacterial pneumonia, the beginnings of cervical cancer, pelvic inflammatory disease, or a severely depleted immune system. As a result, women had more difficulty being diagnosed and getting government disability payments than men.¹¹ Despite these inequities, there were few HIV-positive women advocates to protest these policies. Many of my women clients did not understand how federal, state, and local health policies were created or how they could be changed.

Thus, a crucial component of my work became educating HIV-positive women on the relevant policies that directly affected their lives. The HIV Law Project developed a policy training curriculum and program for our women clients.¹² Contrary to negative predictions about the ability of low-income women with HIV to take an interest in and learn about local and federal health policy, we discovered that these women were, in fact, interested in these issues. Moreover, it was evident that they alone could take on the strategically invaluable role of "victim" as advocate and activist in achieving policy change.

These trained HIV-positive women advocates easily moved beyond their assigned roles as “victims” and narrators of their pain and suffering. They rapidly learned to refuse to limit their comments to the media to descriptions of their pain and instead wove their personal stories of suffering into their demands for changes in federal and state health policies. Under the pressure of a combination of activism by HIV-positive women and advocacy, including litigation, the federal Centers for Disease Control and Prevention (CDC) and other federal agencies such as the Social Security Administration changed some important HIV policies that had discriminatorily impacted HIV-positive women. These HIV-positive women advocates had the credibility to convince the CDC to expand the limited epidemiological AIDS case definition that had initially inhibited their access to treatments and life-saving benefits.¹³ Similarly, this coalition pushed state and local authorities as well as the Social Security Administration to change the criteria for determining eligibility for an array of benefits, including housing, home care, and additional financial assistance to expand their coverage to include the needs of HIV-positive women.¹⁴ In many policy battles that followed, HIV-positive women proved to be strategic and successful in their advocacy efforts.

9/11 Victim Media Representation and Victim Activism

When my mother was killed in the World Trade Center attacks on Sept. 11, 2001, I was thrown into the role of “victim” myself. Faced with an onslaught of media attention in a vulnerable moment, I struggled against the media’s collapse of my public persona as a women’s health activist and attorney down to a single, stifling identity of “victim” and narrator of horror. Cameras were constantly pushed into my face, but anything substantive that I said was cut out. I felt dehumanized and oversimplified by the reduction of my identity to a single image and sound bite. Despite my privilege and my training as an advocate, I could do nothing to prevent these experiences. Having seen the media’s fascination with pain and suffering before, I remembered how HIV-positive women had learned to reject this imposed narrative and instead use interviews to address the underlying sociopolitical reasons for their plight.

Following the attack, aside from replaying the images and testimonies of destruction and horror, the US government and the mainstream media immediately invoked the specter of heroes and patriotism to mitigate the widespread sense of vulnerability that permeated New York City. While, indeed, lives were saved in this tragedy because human beings took care of one another, the media and the political leadership distorted this reality to focus almost exclusively on the heroic acts of firefighters, police officers, and Mayor Giuliani — all predominantly white males.¹⁵ Largely ignored were the many acts of “heroism” by civilians, particularly those by women and people of color. Moreover, while the media were eager to ask the families of deceased civilians to describe the harrowing final moments of their loved ones’ lives, these “victims’” own questions about the lack of national security were also largely ignored.

Women Who Lost Family Members in 9/11 Demand a Commission

In the aftermath of the attacks, US President George W. Bush’s administration moved quickly to launch the “war on terror” and equate questioning our government’s failure to protect its citizens with support for al Qaeda. Many people opposed the war and faulted US foreign policy for the attacks; ultimately, however, it was the very same women who were initially portrayed in the media strictly as passive “victims” of 9/11 who played an integral role in demanding an examination of the Bush administration’s negligence in protecting its citizens. The 9/11 families, who functioned without assistance from formal human rights groups, were probably the only people who had the credibility in the midst of 9/11 patriotism to question the US government about an agenda, including the war in Iraq, which often invoked the deaths of 9/11 as justification and rallying cry.

The 9/11 families’ drive to become advocates came from the very same set of emotions that had relegated them strictly to the role of “victims” in the eyes of the media. Prior to the 9/11 attacks, Monica Gabrielle of the 9/11 Family Steering Committee had no experience in advocacy work. Anger and grief over her husband’s death motivated Gabrielle to demand justice beyond the financial compensa-

tion offered by the US government: she sought accountability. "When I pictured how my husband died, a rage enveloped me," Gabrielle said. "I felt I had to speak for him . . . set a model for my daughter. I wanted to create a living legacy for him. I knew a memorial wouldn't cut it for me. Nor would crawling into a hole."¹⁶

In their search for answers about why the federal government had failed to protect their loved ones, this group of mostly women advocates learned how to "flip" the "victim" narrative as effectively as my former clients with HIV had, raising questions in the media and with policymakers about breaches in national security associated with the catastrophic event. "We shared our pain and suffering with the media," said Gabrielle, but 9/11 family advocates learned to do so strategically to press for an investigation. During some live interviews, they would begin with a narration about pain and suffering to draw the reporter in and then shift to the subject of government accountability. In the words of Gabrielle, "It was mutual manipulation."¹⁷

The women quickly learned to accommodate the challenges that representing their issue in the mainstream media brought with it. Since the entire attack had been covered so extensively in the media, everyone in the US felt they owned the 9/11 story and "had a right to shape how we should respond as "victims," said Gabrielle. When 9/11 "victims" rejected their prescribed roles as narrators of pain and instead criticized the federal government's policies and actions following the attacks, they risked finding themselves labeled as unpatriotic and often met with negative feedback and hate mail from the public.¹⁸ "We had to walk a fine line between asking serious questions, pushing for answers and not coming off as unpatriotic," said Gabrielle. "Public support would quickly have diminished once they found [that] we were going after the Administration."¹⁹ Ultimately, the demands of 9/11 families for an investigation were instrumental in forcing the US government to establish the 9/11 Independent Commission.

During the 9/11 commission hearings, 9/11 family members employed many of same techniques that they had previously used with the media—techniques that they later learned were used by women victims around the world. When asked about their pain and suffering, they would quickly shift

the topic to policy considerations. Many valid criticisms have been made of the *9/11 Commission Report*, but to date, it is the only comprehensive documentation of the US government's overwhelming ineptitude in the years and months leading up to the 9/11 attacks.²⁰ In addition to stating that there were no links between the 9/11 attacks and Iraq, the report indicted the Administration for not heeding warning signals that could have pre-empted the attacks. More than compensation and other forms of rehabilitation to reconstruct their lives with dignity, survivors need what does not always appear on the lists of recommendations issued by mainstream human rights groups: they need an acknowledgment from the government that their rights were violated.

My experience as a 9/11 family member at the commission re-ignited my interest in the representation of women victims and in "victim-led" initiatives for justice—only now, more specifically in the context of fundamentalist or political violence. I began to search for women "victim-led" initiatives for social justice in the wake of political violence, so that I could organize a meeting of representatives of such groups. The resulting "Models of Resistance" meeting will be discussed at greater length later in this paper, but one of its lessons for those of us who had been part of "victim-led" advocacy around 9/11 was that women "victims" all across the world shared many of the same skills and strategies in our quest for a version of justice. This version sometimes included, but often went beyond, the standard demands of the very same human rights organizations who wanted our stories of pain and suffering, but had not thought to make a place for us at their tables when the time came to strategize or make policy recommendations. To understand the current relationship between human rights advocates and "victims," I began an analysis of the representation of "victims" in human rights publications and materials.

Victim Representation in Traditional Human Rights Documents

In the aftermath of World War II, the recognition of the horrors of the Holocaust spawned the modern human rights movement and the Nuremberg Trials. The Nuremberg Trials and the numerous national and international criminal tri-

bunals and truth commissions that followed developed a role for the “victims” of human rights abuses as witnesses offering testimony, much like the role of crime “victims.”^{21–24} The practice of using people’s experiences as testimonials continues today as the model in criminal tribunals and has been adapted by the human rights community as a means of establishing harm. Indeed, the “victim”-as-witness is one essential role for people who have suffered human rights abuses, since documenting the crimes is the necessary first step in demanding accountability from those responsible. It is indisputable that this approach has been successful in many contexts and that “victims” have sought and found justice through criminal tribunals. In fact, Alicia Yamin describes this reliance on individual narrative in human rights documentation as the “tremendous strength of the human rights approach . . . [which draws] attention to the effects of programs and policies on real human beings, rather than beginning with an *a priori* policy position.”²⁵

Mainstream human rights groups, however, do not always engage in participatory forms of collaboration or advocacy with the human beings who are the “victims” of inadequate or outright malevolent programs and policies, choosing instead to extract the narratives of “victims” for their own advocacy purposes. It is then that this same strength that Yamin refers to—the strength of page after page of chilling testimony in the reports of mainstream human rights organizations—reveals its steep downside. When some of these indisputably important harm narratives begin and end with women’s terse testimonies about the violence against their bodies—without allowing the women to speak of any other aspect of their identities or to voice their own ideas about what justice or reparations should look like—they have the effect of reducing the women to the harm done to them and re-condemning them to victimhood, while missing the opportunity for a valuable, more equitable collaboration with those in a position to enact change, including human rights organizations.

An example can be found in the Human Rights Watch report, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (1996), in the first-person account of violence experienced by a woman named

Elizabeth.²⁶ She is 29 years old and living with her husband in Kigali at the time the genocide started:

“About ten of them came. They picked two of the women in the group: a 25-year-old and a 30-year-old and then gang-raped them. When they finished, they cut them with knives all over while the other Interahamwe watched. They took the food from the table and stuffed it into their vaginas. The women died.” . . . Elizabeth’s husband was killed and she was taken by the head of the militia to his house where she was raped. . . . When asked about prosecuting those who raped her, Elizabeth said, “How can they be prosecuted? They are not even here.”²⁷

Surely Elizabeth, the “victim” and witness to crimes such as these, might have something to say about how she would like to see her own needs met, or what she thinks should be done to bring her abusers to justice, or how she thinks the government or her local community should respond to the abuse — had she been asked. The reader, however, has no way of knowing whether anyone did ask her or other “victims,” or whether Elizabeth had any response to her experience other than the sense of resignation that the report conveys at the prospect of prosecution. Her testimony is restricted to the traditional representation of “victim” as a witness of suffering.

The 30 other such accounts of abuse in *Shattered Lives* are equally gruesome and limiting in their portrayal of the women’s identities. Another woman, Bernadette, was 33 years old at the time of the genocide and hid with her husband and seven children until the Interahamwe discovered them. She recounts her experience:

At the riverside, I was raped by a group of six Interahamwe one after another. I knew all of them. Some were killed by the [Rwandan Patriotic Front] and the others are now in Gitarama prison. They said that they were raping me to see if Tutsi women were like Hutu women. After they finished raping me, they threw me in the river to die along with my children. My children all drowned, but the river threw me back. I floated back to the riverside. One of the Interahamwe said, “Those Tutsi people won’t die — we raped her and she survived. We threw her in the river and she still survived.” They let me go and I tried to go toward

Runda commune (the next commune). On the way, I was found by another group of Interahamwe who took me with them back to Taba. They also raped me. I can't remember how many. After the war, I found out that I was pregnant. But I had an abortion. . . . No, not really an abortion. The baby just came out dead.²⁸

The power of Bernadette's first-person testimony is indisputable, as is its value as a tool for documenting crimes and demanding accountability from those responsible. But it tells us nothing about who Bernadette was at the time of her rape other than a victim—or what constitutes accountability for her or how she wants her community, the state, or the international community to respond. This is in keeping with the tendency of *Shattered Lives* to represent victims primarily as objects and witnesses of suffering, rarely offering them the opportunity to express outrage, outline their ideas about reparative justice, or make policy-oriented recommendations.²⁹ In failing to do so, this important document misses an opportunity to present these women as actors and agents, and to add the value of their ideas and the weight of their endorsement to its recommendations.

In speaking about what the human rights lens adds to policy-making and advocacy work, Yamin notes that it underscores the extent to which many of the harms that people experience are not “natural,” but are instead the product of social priorities and policy decisions. The same, arguably, is true of the restriction of “victims” of human rights abuses to little more than the role of “victim” in the reports of mainstream human rights organizations. Women “victims” are more than the sum of their traumatic experiences. They generally have strong opinions about what justice should look like—opinions that may differ from those of mainstream human rights organizations. They often embrace opportunities to take an active role in actualizing their vision of justice or political change. Their re-relegation to the role of “victim” in these reports is not an act of nature, but the product of mainstream human rights organizations' political priorities and policy decisions. Someone, somewhere, has somehow decided that the best way that “victims” can be used to foment change is to embody pain and suffering through their testimonials. This view, however, needs close examination.

Amnesty International's report, *"Marked for Death": Rape Survivors Living with HIV/AIDS in Rwanda*, is a well-researched document that offers readers a thorough examination of the societal context that fed violence against women during and after the genocide.³⁰ While it relies less heavily on "victim" narratives than earlier reports, and highlights the continuing frustration of "victims" with ongoing injustices in Rwanda, these complaints are still expressed in a passive third-person narrative rather than in the voices of the "victims" themselves. Furthermore, when the report presents 19 first-person testimonies from "victims," in addition to several testimonies from physicians, journalists, and other professionals working with them, all of the "victims'" statements follow the model of testimonies of abuse. In so doing, they relay the violence committed against these women both during the genocide and later by families, communities, and the government but omit any thoughts that the "victim" might have had about justice or policy. An HIV-positive rape survivor from Gitarama is quoted as saying:

I was raped during the war by five Interahamwe, even though I am Hutu. I was a virgin, so maybe the rape was the cause of my sterility. When I got tested for HIV in 2000, my husband tore up the test results. He can't accept that I'm in an association for people living with AIDS, and that I'm sterile. . . . I haven't gotten food from him for five months. . . . I don't get assistance from the government programs because I am of the wrong ethnicity.³¹

It seems both counterintuitive and strategically unwise for human rights organizations to deny the "victims" at the center of their advocacy the opportunity to exercise agency over how and for what purpose their narrative is recounted—or even a say in the report's recommendations. Harm narratives have distinct and important uses, but when they are propagated and publicized with little recognition of the agency of "victims" or when they bypass the strategic opportunity to allow the person to offer her "experiential expertise" in a bid for policy change, as did the HIV-positive women and the women "victims" of 9/11, they unwittingly make objects of their subjects.³²

This process, whereby “victims” are simultaneously sensationalized, underutilized, and dehumanized, bears a disturbing resemblance to the mainstream media’s depiction of victims, which reduces them to their pain and suffering while ignoring or actively burying their agency. What impact do such narratives have on readers and on policy-makers? As Arthur and Joan Kleinman point out in their article, *The Appeal of Experience; The Dismay of Images: Cultural Appropriations of Suffering in Our Times*, it is well worth considering whether depictions of suffering have now become a kind of global entertainment.³³ If that is the case, it is also well worth considering whether reports such as the ones quoted by mainstream human rights organizations disrupt or unwittingly feed the public’s appetite for victim-as-spectacle.

Women “Victims”/Survivors — Models of Resistance

My desire to explore the strategic moment created by victim-hood as an important but often unrecognized tool in catalyzing demands for accountability and justice led me to organize a meeting entitled “Models of Resistance: Victims Lead.” In our attempts to identify “victim” leaders to invite to this meeting, we learned that there is little or no documentation of “victim-led” initiatives for justice throughout the world and that many prominent human rights advocates had no contacts within such groups. It was only by searching through newspaper articles or by “word of mouth” that we were able to identify groups in Rwanda and Sri Lanka.

The Models of Resistance (MOR) meeting was held at the 2005 Association for Women’s Rights in Development (AWID) Forum. Women attended from the Rwandan women’s group, *L’Association des Veuves du Genocide Agahazo* (AVEGA); from the 9/11 Families for Human Rights; and from four different Sri Lankan social justice groups: the Butterfly Peace Garden, the Association of War-Affected Women, the Right To Life, and the Institute of Social Development. As a group, we had survived many different types of political violence, whether fundamentalist, ethnic, state-, or non-state sponsored. At the MOR session, however, it became clear that women survivors of political violence are nothing like the passive “victims” so often depicted in media portrayals and the reports of human rights organizations. Instead, we learned that our bond

as “victims” across the globe is that we have all been demanding social justice in strategically significant ways.

The skills and strategies that “victims” have developed as advocates should make collaboration between “victims” and mainstream human rights organizations a natural and beneficial alliance. Human rights organizations have a moral obligation to allow “victims” to participate in the discussion when strategies regarding policy and other substantive decisions are being made. Thus, when human rights organizations showcase an issue through the pain and suffering of “victims,” these people have a right to say to them: “If you are going to write about us, if you are going to use us, then we need to be part of the process.”

The MOR meeting made it clear that human rights organizations also have much to gain from the participation, leadership, and successes of “victims” from a tactical as well as a practical perspective. As the 9/11 families learned, “victims” sometimes derive a kind of authority from their pain and suffering that makes it possible for them to ask difficult questions or advocate governmental action that no one else could pursue without being labeled “unpatriotic.” Additionally, while human rights organizations labor for widespread media coverage of their work, “victims” often serve as magnets for the media, which can be drawn in by their pain and suffering, then subsequently used as a platform for their policy demands and recommendations. Once in front of the cameras, “victims” are often perceived as more credible than trained professionals by virtue of their very inexperience, which can lend their remarks a personal, honest, and sincere quality.³⁴ Their “ignorance” of formal procedures can also serve them well. As Gabrielle recounts, “Protocol never meant anything to us. If we wanted a meeting, we would get it.” When 9/11 families met with officials in the FBI or the White House, their stance was not one of awe, but determination. “We were not awestruck to be in their company,” said Gabrielle, “but saw it as an opportunity to pressure them.”³⁵

Visaka Dharmadasa, who founded the Association of War-Affected Women in Sri Lanka, also had enhanced access to public officials because of her status as “mother” and “victim”—identities that allowed her, in the midst of

a highly charged political conflict, to organize and successfully advocate policy changes across political lines, without being perceived as having a political agenda. Thus, as a “mother” and “victim,” Dharmadasa formed an association for all women affected by the Sri Lankan war, irrespective of their political affiliations; successfully advocated for all those fighting to wear identification tags, again across political lines (the Sri Lankan army has formally accepted her demand, but she has also walked from camp to camp on the Tamil LTE side); and then successfully advocated for a large, international institutional entity, the International Committee of the Red Cross (ICRC), to allow families to instigate tracing requests for missing family members. “I used the language of motherhood to change policy,” Dharmadasa says. “I would say, ‘I’m a mother. I don’t want to discuss politics.’”³⁶

“Victim-led” groups benefit from other aspects of their identity in their media relations as well — benefits that they are in a unique position to pursue, such as being able to form alternative forms of media, or leveraging their information in a way that holds mainstream media to account. Jayanthi Dandeniya, the founder of Right to Life in Sri Lanka, was a garment worker in Sri Lanka’s Free Trade Zone when both her brother and her fiancée, who were also fellow workers, were killed. Since then, she has publicized disappearances and demanded workers’ rights, organizing other workers in the Free Trade Zone.

Dandeniya persevered throughout repeated arrests and beatings, as well as a self-imposed exile, and founded an alternative independent paper, *Right to Life*, with the aid of 1,500 supporters. The first issue sold all over Sri Lanka for a whole year. It openly named perpetrators of violence, disregarding the journalistic norm of confidentiality and forcing the mainstream media to acknowledge the cases. These actions were accompanied by a poster campaign openly identifying the circumstances — the who, what, where, when — in which violence had occurred. “We now have another media to voice what we have to say,” said Dandeniya. “We now give interviews to mainstream media on condition that they publish what we say. We will not do what media wants. The media has to do what we want.”³⁷

Still other “victim-led” groups, like Rwanda’s *L’Association des Veuves du Genocide Agahazo* (AVEGA), are pursuing forms of justice that combine legal advocacy with the provision of badly-needed grassroots services to their communities. As members of the four survivors’ panels at the MOR meeting noted during their discussion of sexual violence in armed conflict, a survivor of sexual violence may have ideas of justice that vastly differ from those espoused by mainstream human rights groups, which tend to take a legal and court-centric approach:

What does “justice” mean to a survivor of sexual violence? Does it necessarily mean winning a legal battle, or does a survivor’s sense of justice come from small day-to-day actions that enhance her well-being? For example, community acceptance and acknowledgement of her situation, rehabilitation in her village, re-establishing loving relationships.³⁸

AVEGA was formed in Kigali, Rwanda, in 1995 by 50 widows of the Rwandan genocide. In the words of AVEGA member Consolee Mukanyiligira, “In the beginning those 50 women gathered together just to cry, to speak about lost ones, family, houses. After crying, we started to work together and become spokeswomen for all those widows.”³⁹ Today, AVEGA has 25,000 members — all widows who survived the genocide — in Rwanda’s 12 provinces. Far from being passive “victims,” the women from AVEGA have, as one of their major tasks, been demanding broad compensation for the survivors of the Rwandan massacre, who lost houses, property, and jobs. AVEGA continues to advocate this priority, which has not yet been made a national priority, while providing much-needed grassroots-level direct services for other “victims”/survivors. (Compensation also appears as the last recommendation in two full pages of recommendations from Amnesty International’s *Marked for Death*.)

AVEGA’s psychosocial medical program provides social assistance services for women who were raped or infected with HIV. The organization has also been active in demanding access to HIV treatment and has constructed a village for HIV-positive widows and orphans. Other efforts include a development program for widows and orphans,

which seeds income-generating initiatives; an advocacy information and justice program, which defends and promotes the fundamental rights of widows and survivors (AVEGA receives over 4,000 requests for legal assistance each year); and an institutional reforms program.

AVEGA has boycotted the United Nations-mandated criminal tribunal (ICTR) since 2002, and has called for a critical examination of the treatment of the witnesses there, claiming that those involved in the tribunal do not represent the interests of survivors. The group contends that women plaintiffs, and rape victims in particular, are ridiculed, and that there are no representatives of civil society. Additionally, AVEGA asserts that the tribunal has people working on it who directly or indirectly had a hand in the genocide. "How can this result in justice?" asked Mukanyiligira. "How can you have faith in a tribunal where women who were raped are being ridiculed by lawyers and investigators?"⁴⁰ Finally, AVEGA contends that it is easier for the perpetrators of crimes to get legal assistance than the "victims" and that the system is slow: even though a full infrastructure exists, only 19 judgments have been handed out.^{41,42} New cases are not being accepted since the tribunal is supposed to wind up in 2008.

Amnesty International and Human Rights Watch have directed overarching recommendations for legal compliance and large-scale infrastructural change to the international community and the Rwandan courts. By contrast, AVEGA is doing grassroots-level direct-services work that offers immediate relief for women affected by the Rwandan massacre while also protesting factors that they claim make impossible the holding of fair trials at the chosen institutional instrument of the international community. Working together, this "victim-led" grassroots organization and these mainstream human rights organizations could bring different kinds of pressure to bear on the Rwandan government and the international community in their quest for multiple forms of justice for the "victims" of the massacres.

The inclusion of "victims" by mainstream human rights organizations—including leaders of already extant successful "victim-led" initiatives that respond to political violence—as leaders in the development of advocacy strate-

gies will result in more appropriate victim-centered policy recommendations. Moreover, a genuine collaboration will enhance both entities' capacity for outreach to a broad range of audiences, including other potential allies, government officials, the media, and the public. Finally, a genuine collaboration between "victims" and their "advocates" will do more than effect a vital change in this false dichotomy. By recognizing the strategic value of "victims" for the larger struggle for human rights and by acknowledging the agency of those who have been harmed; their identities beyond victim-hood; and their potency as leaders, strategists, and spokespeople, mainstream human rights organizations will be in greater compliance with their own stated values. At the same time, they will be exemplifying the kind of respect, flexibility, and accommodation that they often recommend to governmental, political, and institutional entities.

The Importance of Meaningful Participation

The importance of legal mechanisms in establishing gross human rights violations is indisputable, and legal claims will always require a recounting of the harm inflicted. In that context, much has been written about the role of the "victim" in the prosecutions — that is, whether these people have individual standing or are merely limited to recounting the specific harm done to them.⁴³ Although some of these proceedings have led to political and social reform, there are many other ways in which "victims"/survivors can meaningfully contribute to strategies to demand accountability or expose the underlying causes of the harm. Actualizing human rights concepts of essential human dignity and individual agency requires "victim" participation that goes beyond mere narration of pain and suffering. As Alicia Yamin writes in her article:

If participation is as crucial as our rhetoric suggests in adopting a rights based approach to social and economic issues, human rights NGOs in different countries might look more closely at questions about the quality of participation, and who is included and excluded from different participatory processes at local and national levels, [and at] . . . efforts in genuinely promoting the voices and rights of marginalized peoples.⁴⁴

As Yamin argues, the relationship between “human rights organizations and victims rarely go[es] beyond the representative (often lawyer)-client relationship, whereby the human rights professional translates the individual’s or group’s story into an illustration of some universal grievance.”⁴⁵ Human rights theorists and activists stress the importance of participation of directly affected or “victimized” populations, arguing that such groups should have “agency” over the decisions being made in their names and calling “for participatory processes,” but these terms are not necessarily clearly defined, nor are they promoted in all aspects of human rights work.^{46,47}

Recent human rights reports attempt to articulate the many components that could comprise justice for “victims.” It is time that we hear from the victims themselves — as surviving, positive role models and agents of change. A different type of partnership needs to evolve between human rights groups and “victims,” one that emphasizes the participation, strategic significance, and agency of “victims.” In efforts to promote this new partnership, women “victims” and activists at the MOR meeting recommend that future work in this area document and disseminate models of survivor-led advocacy. The goal in documenting strategies used by survivors’ groups should be to foster transnational cooperation among survivors’ groups and to enable a community of survivors that can work to prevent future abuses. Survivors’ groups also hope to build strategic alliances with human rights advocates and encourage an understanding in the human rights community of the achievements of survivor-led initiatives and the strategic significance of such forces. Finally, “victims’ ” activist groups call for the creation of a survivors’ bill of rights focused on survivor-led advocacy rather than “victim” protection, which should be presented to human rights groups that consistently use traditional “victim” imagery.

No single process exists for addressing the diverse needs of “victims.” Some possibilities, which include acknowledgment, macro-level systemic change, and economic support, may clash with mandates of human rights groups. This article encourages mainstream human rights groups to engage in participatory forms of collaboration or agency

with “victim-led” groups as a partnership whose varied missions and goals benefit from shared insights, strategy, leadership, and resources.

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