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MONITORING CASES OF GENDER-BASED VIOLENCE

TOOL 2

GATHERING INFORMATION ON GENDER-BASED VIOLENCE

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TOOL 2

GATHERING INFORMATION ON GENDER-BASED VIOLENCE

I. Preparing the team

> Even if the team has a gender advisor, **it is the responsibility of all human rights officers** to integrate a gender perspective in their work and to monitor cases of gender-based violence (GBV).

> To document/investigate GBV, all human rights officers must:

- have a solid understanding of what the integration of a gender perspective in human rights monitoring means;
- know what GBV means and be familiar with the related terminology;
- know how to identify GBV and its impact, and how to interview survivors of GBV, including of sexual violence.

> Tools:

- [OHCHR manual on Integrating a gender perspective into human rights investigations, guidance and practice](#) (also contains key recommendations on the teams' composition p.14-15).

- [OHCHR manual on Human rights monitoring](#), chapter 15 "Integrating gender into human rights monitoring" and chapter 28 "Monitoring and protection the rights of women".

- [OHCHR internal tool on trauma informed interviewing](#).

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1. Applicable legal framework

The team should have knowledge of **relevant international standards** related to GBV such as:

- UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its General Recommendation 19 and 35,
- UN Human Rights Committee, General Comment 36 (addresses some forms of GBV),
- UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (“Bangkok Rules”),
- Rome Statute of the International Criminal Court,
- 3rd and 4th Geneva Conventions and their Additional Protocols I and II.
- and **regional instruments** such as: Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belém do Pará”), Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (“Istanbul Convention”), Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the “Maputo Protocol”),

The team should also know about the **conclusions and recommendations** made to the State concerned on GBV. These will provide information on the context and analysis of the human rights violations.

2. Conscientiousness on gender biases

Human rights officers should be aware that their own **gender stereotypes and biases** can impact the gathering of information and uncovering of GBV cases, as well as their analysis.

- **Victims of GBV are not a homogenous category** of persons. Beware of stereotypes about who can be a victim in terms of age, sex, gender or behaviour. (for ex., misconceptions that only young women and girls, with a specific physical appearance, can be victims of sexual violence, and not older women, men and boys and persons of diverse gender identities);
- **Victims of GBV react differently about the trauma.** Beware of prejudging their needs and the accuracy of testimonies based on their behaviour. (For ex., assigning interviews only to women human rights officers assuming that victims will only feel comfortable speaking to a woman.)

II. Designing a gender sensitive monitoring strategy to uncover GBV

> A **comprehensive strategy** to enable the identification and disclosure of information on GBV is needed as the gender dimension of violations often remains invisible if not proactively researched. Sources of information, including victims, do not necessarily identify the gender related aspects of the facts and violations, or may not proactively share information due to trauma and protection concerns.

For example: in a situation where there was excessive use of force by security forces against persons participating in protests resulting in death and severe injuries of mostly men, witnesses and family members of victims were impacted by the violence but did not realize or mention the gendered impact of such violations, e.g. many women were left with no income to support their families, as men were the main providers.

> The strategy should be based on the findings of the **initial mapping of the context and actors**, including the identification of possible information gaps and how to overcome them.

> **Interviews questionnaires** should be gender sensitive and framed to elicit/uncover information on GBV. (For ex., when an insider witness is asked about the command structures of his armed group, it will be important to ask about the gender ideology of the group's leader and the gender roles within the armed group).

III. Gathering information on the context

Understanding the context in which GBV occurs is critical. By examining the context, human rights officers can more easily identify violations and abuses as being gender-based.

Information on the context should include:

> how the country/situation's legal, civil, economic, political cultural and social issues affect women and men differently; **how structural factors affect gender equality** and underpin human rights violations;

> **power relations** between men and women, perceptions about gender and diverse gender identities, and gender stereotypes that may impact the sharing of information;

> **potential perpetrators** of GBV, including in conflict areas (States' armed forces or non-State armed groups);

> the **commission of GBV and the States' response**, including how national legislation, policies and practices and institutions (ex: the judiciary and law enforcement) address GBV.

Information on the context can be used for different purposes¹, including:

> to describe how power relations and structures within a society/community result in

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¹ For concrete examples on gender-sensitive contextual information, see [Integrating Gender into Human Rights Investigations](#), page 19.

gender-based violations and gendered harms;

> to explain the targeting of specific victims within a community, the structural gender discrimination underpinning the violations, (for example, organized arrests, torture, displacement, killings and harmful practices against LGBTIQ+ persons);

> to establish the connections between the violations and the campaign of mass violence/gross human rights abuses in which they were committed, and thus avoid viewing the violations as private, opportunistic or incidental acts;

> to document the full nature of harms experienced by the victims (for ex. to accurately document the impact of forced marriages and forced pregnancies on women and girls in a specific community);

> to analyse the means and methods employed to carry out the violations (for ex. to understand why State authorities regularly subject women from a particular ethnic group to forced abortions or why indigenous women and girls and women, girls with disabilities, or transgender and intersex persons are subjected to forced or coerced sterilisation).

Examples of the use of contextual information

“Widespread sexual and gender-based violence against women and girls is a national crisis; serious crimes continue with impunity, including by State officials, and a plethora of policies, actions plans and laws adopted by the Government have not been implemented. Governmental commitments to address women’s underrepresentation in positions of political authority have not been met. Gender inequity in access to education further compounds women’s inequality and disadvantage, entrenching their low social status. Violence committed against the bodies of women and girls reflects the prevailing social, political and economic context. The absence of security and protection for women and girls, their exclusion from the national agenda-setting and continued brutal sexual and gender-based crimes have shattered the lives of individuals and families. The severe impediments to women’s ability to participate in public life means that their needs and perspectives are not integrated into decision-making, leading to poor development outcomes for them, including in maternal health and education, thus constraining national development.” Commission on human rights in South Sudan, A/HRC/55/26, 2024, para.38.

“Women and women’s groups and organizations have been a specific target of human rights violations and abuses. Feminist movements and women’s leadership enjoy a historical trajectory and crucial importance in Nicaragua, with significant participation of women in human rights organizations and activities. Feminist women and women’s organizations adopted critical stances toward Daniel Ortega’s Government since times before 2018. In addition, many of the women activists and in leadership roles come from a Sandinista tradition, having broken with the FSLN at different times since the 1990s. (...) For these various reasons, women and women’s groups and organizations have been subjected to reprisals.” Detailed conclusions of the Group of Human Rights Experts on Nicaragua A/HRC/52/CRP.5, 2023, para. 494.

IV. Identifying sources of information

Map out relevant and diverse sources of information that could contribute to the documentation of GBV cases, as well as sources that could provide contextual information and information about trends and patterns.

➤ **Victims, including direct and indirect victims.** When victims are women and girls, try to reach out to them directly. Avoid receiving their experiences and views from men, especially in patriarchal societies.

Example: In an indigenous community, according to their cultural practices, men could not allow women to speak with the OHCHR team without their presence. As a compromise, it was agreed that men could be close by but at a certain distance that enabled privacy of the conversation with the human rights officer.

➤ **Witnesses** can provide information about specific incidents they saw or heard, and other relevant information that can serve to understand the circumstances and/or provide corroboration. For ex. family and community members who received or met the victim after an incident of GBV can provide powerful corroborating information.

- The context in which the violations took place may influence the type of witness information available. For example, in detention/prison settings, when acts of violence or abuse are perpetrated in public, there may be more direct eyewitnesses available than when acts are perpetrated less openly. Even where there are fewer or no eyewitnesses, other witnesses may be able to provide relevant information (for ex. knowing when a victim was “called out” by a prison guard and taken away, or which commanders were present at the detention centre or prison when acts of torture were taking place).

Photo: UN



> **Civil society organizations (CSOs), including women's rights groups**

- Many organizations may provide information on GBV, including organizations that do not specifically work on women and gender or that are not formally constituted. For example, environmental organizations may provide information on the killings of women human rights defenders working on land and environment.
- CSOs might be willing to assist the investigation by providing relevant documentation, reports and information gathered on the ground. CSOs might also serve as intermediaries to contact victims, witnesses and other sources, and assist in assessing the security situation of victims and witnesses.

> **Service providers**, such as medical care providers, midwives, mental health professionals, humanitarian and human rights personnel, and social workers.

- Due to professional and ethical rules, service providers may be unable to share information on individual cases of GBV. Yet, they may provide relevant information on the patterns of trauma, number of cases, and general characteristics of the victims they are observing in an affected community.
- Seek out service providers working with different segments of the population to get a complete overview on GBV. For example, health workers working only with women and girls may not be a good source of information on trauma suffered by men and boys or LGBTIQ+ persons.

> **Persons serving in official capacities**, such as state officials, law enforcement officials, prosecutors, and judges – not limited to authorities specialized in GBV.

> **Legal practitioners**, including legal representatives of victims, lawyers familiar with the legal system and procedures of the country/ context, and defense lawyers.

> **Community leaders**, including traditional leaders, community elders, and religious leaders who work with affected communities.



> **Researchers** who have collected data on GBV and interviewed victims, including investigative journalists and experts (such as country experts, anthropologists, sociologists, forensic experts, historians and other technical experts).

- Expert evidence can be particularly use-

ful for identifying patterns of violations and obtaining contextual information (for ex., on the long-term structural dynamics, policies and cultural practices in a society), as well as for establishing the connections between individual incidents of GBV and the broader context of discrimination and gender inequality in which they occurred.

➤ **Insider witnesses** can include active or former members of state security forces, intelligence personnel, members of non-state armed groups, or private individuals associated with

Remember: Approaching insider witnesses has heightened protection risks and should be done after careful risk assessment and preparation.

Where security risks can be adequately mitigated, such individuals may be willing to be interviewed and can provide relevant information. For example, a former member of a rebel group may be able to describe the different roles and duties of men and women combatants within the armed group and explain the restrictions



these structures, including private contractors and private security agents. Insider witnesses can also be women associated with state or non-state actors, including former combatants, the wives or partners of members of these structures, or persons working for or providing services to these structures.

imposed on women's sexual and reproductive choices by the group's commanders.

➤ **Official documents and records** such as statistics on the rates of prosecutions of domestic violence and rape cases, or data on the rates of teenage pregnancies.

> Additional relevant sources include **photos** and **videos**, **open-source information**, and **information from social media platforms**. In certain instances, **satellite imagery**² can provide information on what existed on the ground during the occurrence of a specific human rights incident.

V. Addressing challenges in gathering information on GBV

1. Finding sources of information

Due to the very nature of GBV and its impact on the victims, it can be particularly difficult to find sources. Victims of GBV often face trauma, stigma, trust and protection concerns and may be reluctant to share the violations suffered. Design a strategy that will enable overcoming these elements.

> **Build trust and make alliances** with relevant local actors or organizations which support victims. They can help establish the contact and plan the interviews.

> **Find other indirect sources** such as school teachers, health practitioners, civil society organizations etc. (see above, point IV. on identifying sources of information)

> Be aware that **GBV is often invisible in open-source material** due to, among other

reasons, underreporting of GBV, lack of attention paid to GBV in available data, and lack of attention paid to the situation of certain segments of the population (for ex., to women, girls, LGBTIQ+ people, and minorities).

Example: To document a case of GBV against girls by soldiers present in the area nearby a village, the human rights officer organized jointly with a local trusted NGO, a training session on human rights for girls of the community, where information could be gathered through the discussions with and among girls in the activity, limiting the risk of reprisals for reporting to the Office.

2. Filling information gaps

The team should not rely exclusively on the information received as it may provide a biased or incomplete understanding of the situation under investigation. It should identify gaps in information including through:

> Anticipating **context specific barriers**, influenced by culture, gender stereotypes, normalization of acts or situations that constitute gender-based violence.

> Identifying and examining the **factors that may prevent or inhibit the disclosure of in-**

² https://www.ohchr.org/sites/default/files/2024-01/OHCHR_BerkeleyProtocol.pdf.

formation on GBV:

- Structural factors (corruption, entrenched impunity, lack of services or lack of access to services, or lack of political will);
- Narratives built around the conflict, crises, or situation that may be obscuring certain types of violations and unevenly focusing on others;
- Social acceptance (or lack of) to discuss violations affecting specific categories of victims, or to discuss certain prevalent violations;
- Existing legal frameworks that may make victims reluctant to approach the investigation team or to report a case to the authorities (for ex., when the law requires

the authorization of a male guardian or spouse for a woman to report a case);

- Whether the formal and informal justice mechanisms set up to resolve GBV cases are unfavourable to victims (for ex., when victims are required to participate in mediation as a prerequisite for pursuing a case in court);
- The consequences victims may face if they come forward, including legal (for ex., risk of prosecution under some legislations for male and LGBTI victims of sexual violence) or other forms of impact (for ex., fear of reprisals by perpetrators, towards them and their families and communities if the case is reported).

Photo: UN



Examples: You receive information about an increase in rates of girls dropping out of school compared to boys and consider that this situation may be linked to families forcing girls to marry at a young age to collect a dowry. You are aware that it is not socially accepted to speak about child marriages. To better understand this situation, identify sources that could provide you with information about the reasons for the rates of school drop-out of girls (local community leaders, local authorities, staff from service providers, and civil society organisations). When asking about this issue, avoid making assumptions about the likely underlying causes, rather ask open questions to your interlocutors, such as: “I have received reports that girls are not completing their schooling. In your view, why are girls going less to school than boys? Who is typically responsible for domestic work/tasks in your community? What is the average age of marriage? Do boys and girls work? Is it safe to go to school? how long does it take?”

Photo: Unsplash



3. Identifying alerts about the commission of GBV

- deteriorating humanitarian situation;
- raids of family homes and killing or disappearance of men; occupation or raids on hospitals, schools, places of worship; forced separation of women and girls from men and boys, for instance during house searches, abductions or raids;
- abductions or kidnappings;
- body searches;
- detention or imprisonment, in particular the detention of women and girls and LGBTIQ+ persons, including under house arrest and under the supervision of male guards;
- occupation of a foreign country and/or military presence and the existence of checkpoints; evacuation processes from occupied areas, including situations where women are

left behind due to disability, age, caregiving obligations, preference, or other reasons;

- migration flows and population displacements;
- increase in female-headed households;
- evidence of torture;
- hate speech and use of dehumanizing and sexualised language, including online;
- political violence;
- protests and demonstrations
- long-standing record of impunity for gender-based violence;
- misogynistic and/or homophobic discourses by political leaders.

VI. Collecting disaggregated data

The OHCHR Manual on Human Rights Monitoring provides guidelines on how to collect disaggregated data³. In cases of GBV, the following considerations are particularly important:

> **Disaggregated data is key** to establish the differentiated impact of GBV and related human rights violations, to allow a comparative analysis of the exacerbation of pre-existing forms of violence and discrimination and reveal trends or patterns.

> **Collect disaggregated data on victims, witnesses and perpetrators.** Not only data disaggregated by sex, gender and age,

but also information about ethnicity, caste, national, religious or other minorities, and identities. Gathering data on other characteristics and identity categories enables a better understanding of trends and root causes. **Always respect how a person self-identifies and register the information accordingly.**

> **Be mindful of potential risks in gathering such data.** For example, certain persons may not wish or may fear to share data on **sexual orientation and/or gender identity**. It may also be culturally inappropriate to ask these questions during an interview and may raise protection concerns.

> **Be proactive in gathering data and information on violations against specific groups that are underreported.** For example, sexual violence against men and boys and violence on the basis of sexual orientation, gender identity or sex characteristics.

For a summary of key information to gather, see OHCHR Manual on integrating gender into human rights investigations, “investigating gender-based violence including sexual violence” (p.30) and the “Checklist for investigation and information gathering” (p.36-37)

³ See Manual on human rights monitoring chapter 15, page 7 and Chapter 28, pages 7-8 <https://www.ohchr.org/sites/default/files/Documents/Publications/Chapter15-20pp.pdf>.

