



Women Human Rights Defenders
International Coalition
Defending Women Defending Rights

**Our Right To Safety:
Women Human Rights Defenders'
Holistic Approach to Protection**

Written by Inmaculada Barcia (AWID Consultant) and facilitated by the Association for Women's Rights In Development (AWID) as part of its work as Chair of the Working Group on Urgent Responses for WHRDs at Risk of the Women Human Rights Defenders International Coalition (March 2014)

awid women's
rights
Association For Women's Rights in Development

To Sunila, a woman human rights defender

Our Right To Safety: Women Human Rights Defenders' Holistic Approach to Protection

Written by Inmaculada Barcia (AWID Consultant) and facilitated by the Association for Women's Rights In Development (AWID) as part of its work as Chair of the Working Group on Urgent Responses for WHRDs at Risk of the Women Human Rights Defenders International Coalition (March 2014).

The members of the Working Group on Urgent Responses are:

Association for Women's Rights in Development (AWID)
Amnesty International
Association for Progressive Communications (APC)
Front Line Defenders
Peace Brigades International (PBI)
MADRE
Women's Global Network for Reproductive Rights (WGNRR)
World Organisation against Torture (OMCT)
Urgent Action Fund (UAF)

Additional Contributors: Lydia Alpizar, Daniela Fonkatz, Hakima Abbas, Katherine Ronderos, Analia Penchaszadeh and Rachael Dempsey (AWID); Danna Ingleton (Amnesty International); Jennifer Radloff (APC); Tara Madden, Andrea Rocca, and Vincent Forest (Front Line Defenders); Delphine Reculeau (OMCT); Natalia Caruso (Madre); Moira Birss (PBI); Vanessa Coria Castilla (Women's Global Network for Reproductive Rights).

The WHRD International Coalition is a resource and advocacy network for the protection and support of women human rights defenders worldwide. An international initiative created out of the international campaign on women human rights defenders launched in 2005, the Coalition calls attention to the recognition of women human rights defenders.

For more information on the WHRD International Coalition please go to:

www.defendingwomen-defendingrights.org

AWID is an international feminist, membership organization committed to achieving gender equality, sustainable development and women's human rights. AWID's mission is to strengthen the voice, impact, and influence of women's rights advocates, organizations, and movements internationally to effectively advance the rights of women.

For more information on AWID: www.awid.org

Proofreading: Laila Malik
Design and Layout: Storm. Diseño + Comunicación

AWID gratefully acknowledges the generous support of Cordaid, Hivos, Ford Foundation, Foundation for a Just Society, Levi Strauss Foundation, Norwegian Ministry of Foreign Affairs, Oak Foundation, Open Society Foundations, the Swedish International Development Cooperation Agency and two anonymous contributors.

2014 Association for Women's Rights in Development (AWID)



This publication may be redistributed non-commercially in any media, unchanged and in whole, with credit given to AWID and the authors. www.creativecommons.org

Published by Association for Women's Rights in Development (AWID) in Toronto, Mexico City, Cape Town.

215 Spadina Ave,
Suite 150, Toronto, Ontario
M5T 2C7 Canada

Website: www.awid.org
Email: contact@awid.org
Tel: +1 416.594.3773
Fax: +1 416.594.0330



Table of Contents

Acknowledgements	4
Introduction	5
1. Risk factors and violations for WHRDs—punishing women who speak out	7
1.1 The use or threat of sexual violence	8
1.2 The use of gender and sexual stereotypes	8
2. What do we mean by gender-sensitive protection and security for WHRDs?	12
2.1 Personal security	13
2.2 Security for family members	15
2.3 Institutional security	17
2.4 Collective security	18
2.5 Digital security and freedom of expression	19
2.6 Measures addressing structural violence—Ending impunity, accessing justice systems and raising awareness about WHRDs’ work	21
2.6.1 Ending impunity and accessing justice systems	22
2.6.2 Raising awareness about WHRDs’ work	23
3. State obligations to protect WHRDs	25
4. Regional and international protection mechanisms	34
4.1 United Nations Committee on the Elimination of Discrimination against Women (CEDAW)	34
4.2 The Special Rapporteurs on the situation of human rights defenders	37
4.3 The Inter-American Commission on Human Rights: Precautionary measures	41
4.4 European Union (EU): Guidelines on human rights defenders	43
5. Recommendations for further action	46

Acknowledgements

The ideas and recommendations in this publication were developed as part of a consultative process that included numerous individual conversations as well as a consultation with WHRDs from Africa, Asia, Latin America and the Middle East who defend a range of human rights, including women's human rights. The consultation, held in Mexico City during 26-27 June 2013, provided an important space to share information, deepen the analysis and generate collective proposals.

AWID and the author would like to acknowledge the valuable contributions made to this publication by:

Alejandra Ancheita (ProDESC)	Jyotsna Maskay (National Alliance of Women Human Rights Defenders)
Aura Lolita Chávez Ixcaquic (Consejo de Pueblos Kiches)	Kyomya Macklean Mary (Uganda Harm Reduction Network – UHRN)
Claudia Mejia Duque (Corporación Sisma Mujer)	Julienne Lusenge (Solidarité Féminine pour la Paix et le Développement Intégral – SOFEPADI)
Cristina Hardaga Fernández (JASS - Just Associates/Asociadas por lo Justo)	María Martín Quintana (UDEFEQUA)
Cristina Palabay (Tanggol Bayi – Defend Women)	Marusia Lopez (JASS - Just Associates/Asociadas por lo Justo)
Eva Schueller (Cambodian League for the Promotion and Defense of Human Rights – LICADHO)	Matea Popov (Zagreb Pride)
Gladys Lanza Ochoa (Movimiento de Mujeres por la Paz)	Naly Pilorge (Cambodian League for the Promotion and Defense of Human Rights—LICADHO)
Samira Hamidi	Orfe Castillo (JASS - Just Associates/Asociadas por lo Justo)
Inés Fernandez (Centro de Derechos Humanos de la Montaña “Tlachinollan”)	Renu Rajbhandari (Women’s Rehabilitation Centre – WOREC Nepal)
Lara Aharonian (Women’s Resource Center)	Teruel Fernandez Hogle (Centro de Derechos de Mujeres)
Dr. Leyla Yunus (Institute for Peace and Democracy)	Valentina Rosendo Cantu (Centro de Derechos Humanos de la Montaña “Tlachinollan”)
Jennifer Williams (Women of Zimbabwe Arise – WOZA)	Virisila Buadromo (Fiji Women’s Rights Movement)
Jomary Ortegon Osorio (Corporacion Colectivo de Abogados Jose Alvear Restrepo – CCAJAR)	Yanar Mohammed (Organization for Women’s Freedom in Iraq)
Juanita Jimenez Martinez (Movimiento Autónomo de Mujeres- MAM – Nicaragua)	Yessica Sanchez Maya (Consortio para el diálogo parlamentario y la Equidad A.C. Oaxaca)
Justine Masika Bihamba (Synergie des femmes pour les victimes des violences sexuelles – SFVS)	

We would like to thank the number of WHRDs who have not been mentioned by name for security reasons but whose contributions to this report and in these consultations were invaluable.

We would also like to thank the other organizations that, along with AWID, make up the Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras), whose reflections and theoretical propositions have influenced the results of this research.

Finally, AWID and the author would like to thank all the members of the Women Human Rights Defenders International Coalition who provided valuable input for this publication.

Introduction

Women Human Rights Defenders (WHRDs) are women active in human rights defence who are targeted for who they are—because they are women as well as for what they do—because of their work defending human rights.¹ In addition to gender, there are many economic, social, cultural and geographical factors that affect how WHRDs experience a violation. These factors include class, religion, age, language, sexual orientation, location, race and ethnicity.

These risk factors are often exacerbated by the different contexts in which WHRDs live and work. For example, in militarized contexts, sexual and gender-based violence is used by state and non-state actors to “assert or reassert gendered and other social/political hierarchies”² and as a “weapon of war.” Under authoritarian regimes, WHRDs may be viewed as “challeng[ing] existing social inequalities or expos[ing] the deficiencies of political regimes and government.”³ Similarly, WHRDs working in contexts where religious and cultural fundamentalisms are present are at a greater risk of attacks than their male counterparts because they are deemed to have transgressed social norms. Violence against WHRDs may be gendered or sexualized as a way to “recast women back into their ‘traditional’ roles.”⁴ Finally, the growth and influence of transnational corporations also play an increased role in perpetrating violence against WHRDs and the communities that challenge them.

A number of mechanisms have been developed that aim to provide protection to WHRDs at risk, including initiatives developed by WHRDs themselves, NGOs⁵, national governments, and regional and international human rights bodies. Many WHRDs affirm that the most effective protection strategies have been those put in place as part of their own initiatives, working with their organizations and through solidarity networks, where they can build collective capacities and strategies, and a safe space to dialogue. They have also highlighted their mistrust in State institutions and underlined the many difficulties they face when requesting protection from State institutions in countries where there is no rule of law or independent judicial institutions. WHRDs often call attention to how the dual role of the State—as a perpetrator of violations and as responsible for ensuring an enabling environment for human rights protection—is a key obstacle preventing them from engaging with State HRD protection initiatives.

Nonetheless, this publication has a strong focus on protection initiatives put in place by the State as well as regional and international multi-lateral institutions. The reason for this focus is not to suggest that WHRDs should put their security into the hands of State or other multilateral institutions, but rather to emphasize that States have a responsibility to guarantee

¹ Asia Pacific Forum on Women, Law and Development (APWLD). *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders* 2007. p.15. 2007. Web. January 2014 http://www.defendingwomen-defendingrights.org/pdf2008/EN_Claiming_Rights.pdf

² Women Human Rights Defenders International Coalition. *Global Report on the Situation of Women Human Rights Defenders*. p. 26. 2012. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf.

³ Women Human Rights Defenders International Coalition. *Global Report on the Situation of Women Human Rights Defenders*. p. vi. 2012. Web. January 2014 http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf

⁴ Women Human Rights Defenders International Coalition. *Global Report on the Situation of Women Human Rights Defenders*. p. 7. 2012. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf

⁵ For an overview of protection measures provided by NGOS see: Barcia, Inmaculada. *Urgent Responses for WHRDs at Risk: Mapping and Preliminary Assessment*. Toronto: AWID and the Women Human Rights Defenders International Coalition. 2011. Web. January 2014. <http://awid.org/Library/Urgent-Responses-for-Women-Human-Rights-Defenders-at-Risk-Mapping-and-Preliminary-Assessment>

protection to WHRDs at risk and should be held accountable for fulfilling this responsibility. By drawing from the experience of WHRDs with these protection strategies and mechanisms, this publication also aims to provide a set of recommendations on what “effective protection” means to WHRDs, as well as to outline ideas for the development of gender specific protection measures and programs that are sensitive to the diverse array of conditions or identities amongst WHRDs. These ideas and recommendations aim to develop and strengthen protection programs of States, other institutions and organizations. We are mindful, however, that they may not be useful for every situation and should be adapted to each specific context.

The ideas and recommendations included in this publication were developed as part of a consultative process that included individual conversations as well as a consultation that brought together WHRDs from Africa, Asia, Latin America and the Middle East who defend a range of human rights, including women’s human rights. The consultation was held in Mexico City during 26-27 June 2013.

During the consultation, the participating WHRDs emphasized the need to advance an integrated concept of security that goes beyond just the physical protection of the individual. Such a concept of security would promote the development of prevention measures and take into account the need to feel safe at home, at work and on the street, as well as integrating the physical and psychological well-being of WHRDs, their organizations and families. Similarly, WHRDs reiterated the need for protection measures and programs to take into account the historical, cultural, political and social contexts in which WHRDs live and address their specific needs and realities.

WHRDs also highlighted the limitations of the terms “security,” which is often associated with militarization, and “protection,” which is sometimes understood as having a paternalistic connotation. They spoke of the need to emphasize the obligation of the State to provide WHRDs with an enabling environment, which the United Nations Special Rapporteur on the situation of human rights defenders describes as an environment “where the legitimacy of the work of human rights defenders is respected, the legal framework is in line with the Declaration’s provisions, and those taking adverse actions against defenders can be brought to justice.”⁶

This publication is divided into five chapters addressing different aspects of security and protection of WHRDs. Chapter one analyzes the risk factors and violations faced by WHRDs, in particular the use or threat of sexual violence and the use of gender and sexual stereotypes against WHRDs. It also explores the concept of integrated security and how many WHRDs understand this concept. Chapter two explores a wide range of protection measures that have been discussed with WHRDs in the course of this research, including initiatives addressing individual, family, collective and institutional security, as well as measures addressing structural violence and digital security. Chapter three elaborates on the responsibility of States to protect WHRDs and the strengths and potential pitfalls of several State initiatives that are currently in place. Chapter four describes some of the regional and international human rights mechanisms that have been put in place to protect defenders, and Chapter five provides a set of recommendations for States and other institutions to develop gender-specific protection initiatives.

⁶ Jilani, Hina. *Report of the Special Representative of the Secretary-General on human rights defenders* (E/CN.4/2006/95). Para 45. 23 January 2006. Web. January 2014. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/118/64/PDF/G0611864.pdf?OpenElement>



Risk factors and violations for WHRDs—punishing women who speak out ⁷

“Custom and tradition count for a great deal... When a woman gets involved in defending human rights, she’s regarded as defying custom and also as an opponent in the service of the West.”⁸

WHRDs are exposed to different forms of violence because of who they are and what they do.⁹ They have underscored the convergence of the different types of violence that affect them and the difficulties in distinguishing between these different types of violence. WHRDs are exposed to gender-based violence because they are women, sometimes experiencing violence within their own movements and organizations or at the hands of family or community members. This violence, however, is often not registered as violence against WHRDs because it is not committed by the State and is not considered political violence. In addition, WHRDs confront challenges that derive from their work denouncing human rights violations and seeking justice. WHRDs face all these types of violence because they defy a patriarchal culture and a hegemonic notion of sexuality that has placed women in an unequal position in the public and the private sphere.¹⁰

WHRDs also view the lack of recognition of their substantive contribution to the human rights movements as a form of violence. This discounting of WHRDs’ work is aggravated in many cases by the fact that WHRDs do not recognize themselves as human rights defenders. As a consequence, they may not feel entitled to existing protection mechanisms at their disposal and thus fail to make use of them.

Another factor that helps perpetuate violence against WHRDs is the lack of recognition and documentation of the issue. For example, WHRDs may be detained in a demonstration, and they may also be sexually harassed and verbally abused by the officials detaining them, though that harassment may not be recognized nor reported. Similarly, data documenting violence against defenders is not disaggregated by gender and there are not indicators to analyze specific violence against WHRDs. This results in fewer resources for specific protection for WHRDs.¹¹

⁷ For more information on specific violations to WHRDs see: Asia Pacific Forum on Women, Law and Development (APWLD). *Claiming Rights, Claiming Justice: A Guidebook to Women Human Rights Defenders*. 2007. Web. January 2014. www.defendingwomen-defendingrights.org/pdf2007/book3Neo.pdf and Women Human Rights Defenders International Coalition. *Global Report on the Situation of Women Human Rights Defenders*. 2012. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf.

⁸ Justine Masika Bihamba, Synergie des Femmes pour les Victimes des Violences Sexuelles, the Democratic Republic of Congo. Personal interview.

⁹ Asia Pacific Forum on Women, Law and Development (APWLD). *Claiming Rights, Claiming Justice: A Guidebook to Women Human Rights Defenders*. p. 15. 2007. Web. January 2014. www.defendingwomen-defendingrights.org/pdf2007/book3Neo.pdf

¹⁰ *Reflections on the Situation of Women Human Rights Defenders in Colombia*, document jointly prepared in 2011 by human rights and women’s groups that participate in the platform on human rights and peace (Techo Commun, 2011) (unpublished).

¹¹ Presentation by Marusia López Cruz (JASS, Just Associates) during the WHRDs consultation in Mexico, June 2013.

Finally, WHRDs argue that in addition to identifying the different types of violence against WHRDs, it is important to look at the different effects of that violence on women. Understanding the variety of impacts is crucial for being able to develop specific measures to protect WHRDs.

1.1 THE USE OR THREAT OF SEXUAL VIOLENCE

Attacks against WHRDs often take gender specific forms, including gendered verbal abuse based on their sex, sexual abuse and rape.¹² The WHRDs interviewed for this initiative highlighted that the use of sexual violence or the threat of sexual violence affects WHRDs disproportionately. For example, a WHRD from Mexico explained that many of the threats sent by email or phone to WHRDs include language referring to sexual abuse. In another case from Colombia, some individuals broke into the house of a WHRD and the only thing that they took was her underwear. This is a very subtle threat with a clearly sexualized, gender-specific message, trespassing on the most intimate spheres of their lives. WHRDs have also documented cases of sexual violence or threats of sexual violence during the transportation of WHRDs being arbitrarily detained by security forces. The United Nations Special Rapporteur on the situation of human rights defenders has reported on cases of sexual assaults, including gang rape of LGBT activists. She has also drawn attention to the prevalence of rape in situations of conflict, often characterized by complete impunity for perpetrators.¹³ Meanwhile, sexual violence is increasingly experienced by women participating in public demonstrations. For example, sexual violence has been used against women participating in street mobilizations in Egypt.

Prevailing impunity contributes to the normalization and escalation of violence against women. Tackling impunity is critical to ensure a safe environment for WHRDs.¹⁴ All these examples illustrate how “sexual violence is used to punish women that dare to play a different role than what it is considered ‘feminine’ to try to maintain an order where women are in a situation of inferiority or to punish those women that dare to make a complaint to the relevant authorities.”¹⁵

1.2 THE USE OF GENDER AND SEXUAL STEREOTYPES

In addition to sexual violence, there are many other attacks that are linked to the use of gender and sexual stereotypes to harm WHRDs' reputation and delegitimize their work. For example, in many instances, attacks against WHRDs include attacks against their children and other family members. This implies the use of the role of a WHRD as a mother and a caregiver as a mechanism to attack her.

¹² UN Special Rapporteur on the situation of human rights defenders. *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. July 2011. Web. January 2014. p. 19 <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationon-defendersJuly2011.pdf>.

¹³ Ibid.

¹⁴ Jilani, Hina. *Report of the Special Representative of the Secretary-General on human rights defenders* (E/CN.4/2006/95). 23 January 2006, para. 59. 2006. Web. January 2014. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/118/64/PDF/G0611864.pdf?OpenElement>

¹⁵ Translated from letter from Sisma Mujer to Commissioner (IACHR) Jose de Jesus Orozco Henríquez, 5 October 2012, p 6, (unpublished).

Another pattern in attacks against WHRDs is the use of gender stereotypes to question and delegitimize their work. The Inter-American Commission on Human Rights (IACHR) has highlighted the stigmatization of WHRDs because of historical patriarchal notions that assign them an inferior role in society. The IACHR has noted WHRDs “are stigmatized with social, degrading stereotypes concerning their sexual life, or are accused that their work for eradicating discrimination against women is against the moral values or the social institutions such as the family.”¹⁶ For example, WHRDs campaigning for the enactment of divorce laws have been called “family wreckers” and “man-haters”. Also, WHRDs working on sexual and reproductive rights have been called “baby killers”. These attacks come from both state and non-state actors, including conservative or fundamentalist religious groups. The aim of these attacks is to demonize the work of WHRDs and delegitimize the public image of women activists in society.¹⁷ Gender-based discrediting of WHRDs “can also motivate repression from a broader range of actors in the community, exacerbating the vulnerability of WHRDs.”¹⁸ These types of attacks also affect WHRDs who do not work specifically on women’s rights.

“There is a consensus in the community, which is not official, that the ones who are going to take care of children, are going to be the women. So when the woman ... engages in public and political activism, she gets more blame than men. She’s blamed because of her gender, because she’s not spending enough time with her children, she’s not there when her children need her, plus she has this gender pressure from the community, plus the real threats to her work as an activist.”¹⁹

WHRDs have also reported that members of security forces and officials in the judicial system processing complaints often question their role as defenders, their autonomy, their public visibility and even their way of dressing. This type of conduct, in some cases, constitutes sexual harassment.²⁰ There is an underlying assumption that if a woman was living the role defined for her by patriarchy, if she were at home where she should be, there would be no risk. Others assume that women should be secretaries but not take on a leadership position within their organizations.²¹ In some contexts, women’s activism may also be used as the basis to accuse them of defending foreign ideals and values and being anti-national.²² For example, in Afghanistan, WHRDs are often accused of being spies or representing the interests of the West, and of being against religion, culture and values.²³ These are some of the examples of how women’s bodies and behaviors are used as repositories of the culture and morality of a society.

¹⁶ Inter-American Commission on Human Rights. *Report on the Situation of Human Rights Defenders in the Americas* (OEA/Ser.L/V/II.124) Doc. 5 rev. 1., 7 para. 228. March 2006. Web. January 2014. <http://www.icnl.org/research/resources/assembly/oas-human-rights-report.pdf>

¹⁷ Cristina Palabay, Karapatan, Phillipines. Personal interview.

¹⁸ Women Human Rights Defenders International Coalition. *Global Report on the Situation of Women Human Rights Defenders*, p. vii January 2012. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf.

¹⁹ Lara Aharonian, Women’s Resource Center, Armenia Personal interview.

²⁰ *Reflections on the Situation of Women Human Rights Defenders in Colombia*, document jointly prepared in 2011 by human rights and women’s groups that participate in the platform on human rights and peace (Techo Commun, 2011) (unpublished).

²¹ Alejandra Ancheita, PRODESC, Mexico; and Jomary Ortégón, Colectivo de Abogados Jose Alvear Restrepo, Colombia. Personal interviews.

²² Lara Aharonian, Women’s Resource Center, Armenia. Personal interviews.

²³ Remarks by Samira Hamidi (Afghanistan) during the WHRDs consultation in Mexico.

In addition to gender, there are other economic, social, cultural and geographic factors, such as class, religion, age, language, sexual orientation, location (where they live), race and ethnicity that impact the way that WHRDs experience a violation. For example, indigenous women suffer from multiple acts of discrimination for being indigenous, for being women and for being among the most economically disadvantaged in society. Indigenous WHRDs have been called guerilla fighters, lesbians, prostitutes and witches for engaging in the defence of human rights. They have received these attacks from both state actors and members of their own communities. Indigenous WHRDs have to struggle for the autonomy of their communities as well as their autonomy within their own communities.²⁴

Although they often face violence, it is very difficult for these WHRDs in Latin America to report violations “because of the distances that would be required to travel to the nearest town, cultural barriers to medical examinations, language barriers (some indigenous women do not speak Spanish), and because of fear of retribution. Indigenous organizations report that when women do report violations against them, they are frequently turned away or not taken seriously, and so these crimes are not investigated.”²⁵ WHRDs sometimes face similar responses from civil society organizations and the communities where they work and live, increasing their vulnerability. An additional risk factor for some WHRDs that live and work in remote areas is their isolation and lack of connection to broader social movements and women’s networks that work to provide collective responses to violence and repression.

Age, together with gender, can also be used as a factor to attack WHRDs. A WHRD from Fiji explained that WHRDs who are older are able to express themselves with fewer repercussions than someone younger. Younger activists may get boxed into the category of “a young angry woman who doesn’t know her place.” In a patriarchal cultural context, this means that “you don’t know your place traditionally and you are stepping out of line and you’re just trouble.” Moreover, one can be accused of representing new western ideas, overtaking old cultural ideas.²⁶ In other contexts, older women are considered responsible for preserving traditions and can be stigmatized when they dare to question or contravene these traditions.

Because the risks and violations that WHRDs face are different, their protection needs are also very different. One of the weaknesses of current protection schemes is that they do not adapt to the different roles that WHRDs play in the in the workplace, in the families, in their organizations and movements and their community. Most protection programs provide a set of common measures for all defenders at risk, without taking into account how factors such as gender, sexual orientation or ethnicity impact the experience of a violation.

The following sections provide some insight to develop gender-specific protection measures and programs that are also sensitive to other conditions or identities present amongst diverse WHRDs. These protection measures need to look at the concept of integrated security that “incorporates concern for the well-being of the WHRD *and* her family, and recognizes the gender-specific nature of violence. Integrated security measures thus offer a range of support, including things like childcare and healthcare, not traditionally considered in security measures. Integrated security also entails addressing the contexts that enable violations of human rights to take place in the first place, and promotes the full realization of women’s rights as a strategy to sustain WHRDs, their organizations and movements.”²⁷

²⁴ Remarks by Aura Lolita Chávez Ixcaquic (Consejo de Pueblos K’ich’é’s, Guatemala) during the WHRDs consultation in Mexico.

²⁵ Corporación Sisma Mujer, *Colombia: Human Rights Defenders under Threat*. p.18 September 2011.

²⁶ Virisila Buadromo, Fiji Women’s Rights Movement, Fiji. Personal interviews.

²⁷ Barcia Inmaculada and Penchaszadeh Analía, *Ten Insights To Strengthen Responses For Women Human Rights Defenders At Risk*. Toronto: AWID and the Women Human Rights Defenders International Coalition. 2012. Web. January 2014. <http://www.awid.org/Library/Ten-Insights-to-Strengthen-Responses-for-Women-Human-Rights-Defenders-at-Risk>

Security on Our Own Terms—an Integrated Approach to Security²⁸

“For me, feeling safe means sleeping without having to worry, without thinking someone is going to come and break through the door when I’m working, without feeling intimidated or threatened; when I know I have enough resources to do my work and to fulfill the needs of the women we are working with; when I can eat and get treatment without too much hassle. I feel safe when I know that if anything happens to me, I can call for help and receive it quickly, I can be brought to a safe place with my family; safety means my family is protected, and I feel my colleagues and family are behind me. Safety means having health insurance. Safety also means having social protection, receiving recognition for our work, and there is awareness for our work.”²⁹

Women defenders are adamant that for them security goes beyond having a bulletproof vest, access to a mobile phone or a bodyguard at their front door. Security means to live without fear of being attacked and to be able to pursue their lives and their work in an environment free of violence. WHRDs’ approach is that of integrated security, which goes beyond the physical protection of an individual. For WHRDs the notion of security “cannot be conceived as of separate from the political, social, economic, environmental, and other systemic factors which produce and reproduce conflict, displacement, inequality, violence, patriarchal attitudes and practices which are at the root of these challenges. The security of such defenders is inherently linked to the security of their communities and can only be fully achieved in the context of a holistic approach which includes the deepening of democracy, the fight against impunity, the reduction of economic inequalities, and striving for social and environmental justice, among others.”³⁰

“Protection is the state of mind where I feel free to live and work without being afraid of being threatened or killed because of my commitment to promoting respect for women’s rights.”³¹

A holistic approach to security takes into account the public and the private sphere and includes the need to feel safe at home, at work and in the streets. In terms of personal security, it encompasses support for the physical and psychological well-being of WHRDs, their organizations, as well as the security of their families. Security also means having a well-resourced safe space for WHRDs and their organizations to do their jobs. This not only includes measures protecting organizations and staff, but it also refers to the guarantees and conditions that the state must provide to ensure that WHRDs can do their job in an enabling environment that recognizes, respects and value their role. An integrated approach to security involves the development of short and long term multi-sectoral responses for WHRDs that include health services, psycho-social counseling and financial support. It also involves coordination among different state law enforcement agencies and the judiciary to develop prevention initiatives as well as to carry out investigations and end impunity.

²⁸ For more information on this concept see Barry Jane (with The Kvinna till Kvinna Foundation and The Urgent Action Fund for Women’s Human Rights). *Integrated Security: The Manual*, 2011. Web. January 2014. http://urgentactionfund.org/wp-content/uploads/downloads/2012/07/integratedsecurity_themanual_1.pdf

²⁹ Julienne Lusenge, Head of the Fund for Congolese Women and Chairperson of Solidarité Féminine pour la Paix et le Développement, the Democratic Republic of Congo. Personal interviews.

³⁰ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders* (A/HRC/16/44). 20 December 2010, para. 103.

³¹ Justine Masika Bihamba, Synergie des Femmes pour les Victimes des Violences Sexuelles, the Democratic Republic of Congo. Personal interviews.



What do we mean by gender-sensitive protection and security for WHRDs?

The different risks and violations that WHRDs face, as well as WHRDs' holistic approach to security, underscores the need for differential support and gender-specific protection measures that take into account their needs and realities. However, “in the vast majority of cases there are no specific mechanisms in place to protect women defenders [...] or, where they do exist, they are often hampered by a lack of implementation, political will or gender-sensitivity.”³²

But what does gender-specific protection and security for WHRDs mean?

It means that protection must take into account unequal power relations between genders, as well as the discrimination and exclusion faced by diverse women in most societies, as a result of the mainstream social construction of gender. Consequently, developing gender specific measures involves a process of assessing how WHRDs experience human rights violations differently because of their gender and other economic, social or cultural factors. Gender-specific measures also involve engaging WHRDs “on their own terms”,³³ so they can define their own needs and priorities. Finally, gender-specific measures should look at how protection can be used to empower and strengthen the work of WHRDs.

Additionally, a feminist approach to protection addresses physical protection needs, but it is also linked to a process of change that promotes the development and implementation of a legal framework that advances gender equality; contributes to eliminate gender-based violence; ensures the participation of women in all processes that affect them; and promotes changes in institutional practices, in the workplace and in relation to women's roles in the family and the community.³⁴

This approach to protection raises questions about the predominant model of activism, which is built on the traditional role assigned to women as caregivers who must sacrifice their lives for others. Playing this role makes WHRDs more vulnerable because it affects

³² Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders* (A/HRC/16/44). 20 December 2010, para. 90.

³³ Barcia Inmaculada and Penchaszadeh Analía, *Ten Insights To Strengthen Responses For Women Human Rights Defenders At Risk*. Toronto: AWID and the Women Human Rights Defenders International Coalition. p. 6. 2012. Web. January 2014. <http://www.awid.org/Library/Ten-Insights-to-Strengthen-Responses-for-Women-Human-Rights-Defenders-at-Risk>

³⁴ For a more elaborate analysis of this “process of change” see *Reflections on the Situation of Women Human Rights Defenders in Colombia*, document jointly prepared in 2011 by human rights and women's groups that participate in the platform on human rights and peace (Techo Commun, 2011) (unpublished).

their capacity to identify risk, to put in place preventive measures, to deal with trauma, and to protect themselves. WHRDs have highlighted the difficulties of changing mindsets to understand that to sustain the work they need to sustain themselves.³⁵

According to a feminist analysis, the notions of self-care and wellness should be an integral part of protection. In this sense, protection requires the integration of responses from different fields such as health, education and justice. It also requires responses that look into root causes and guarantee the conditions necessary for WHRDs to continue their work.³⁶

Below are a range of protection measures that have been discussed with WHRDs in the course of this research initiative. The aim of these discussions was to look at how these measures can take into account the historical, cultural, political and social contexts in which WHRDs live in and ensure that they address WHRDs' needs and realities.

2.1 PERSONAL SECURITY

Measures under this heading include those related to physical protection as well as those related to the psychosocial and physical well-being of WHRDs. Most countries do not provide measures to guarantee the physical protection of WHRDs; however, a handful of countries have developed some limited protection schemes. These include: temporary relocation; the provision of mobile phones to facilitate quick communication with relevant authorities in the event of threats; providing defenders with safe transportation; bullet proof vests; armored cars; equipment to protect WHRDs' homes (i.e. a fence); body guards; and psychosocial support.

While these initiatives are encouraging, WHRDs have expressed concerns that these schemes do not take into consideration the specific needs of WHRDs, including those based on their ethnicity, state of health, gender identity or sexual orientation. For example, psychosocial support or relocation measures are often based on a western conception that does not take into account indigenous women's notion of their bodies and their relationship with their territories. For an indigenous WHRD, relocation may not be acceptable because it involves a separation from her territory, community and language.

Protection measures must also take into account that many WHRDs are also mothers and must include WHRDs' children and other dependents and ensure access to necessary resources to live, including access to work, adequate housing, and psychosocial support for them and their families. Otherwise, many WHRDs will not be able to benefit from these measures.

Economic security and independence are important factors that influence the capacity to react in the face of risk, and how women's security can be impacted by unequal access to resources and opportunities. WHRDs often experience economic scarcity because they receive low salaries without benefits (or very limited benefits) or no salaries at all. This situation of poverty and inequality affects the implementation of some security measures as well as WHRDs' capacity to confront risks.³⁷

Accordingly, it is imperative for protection schemes to take into account the unequal economic conditions that WHRDs face in most societies, as well as their responsibilities as the primary or sole caregiver in their families. WHRDs point out that negotiating these

³⁵ Remarks by Virisila Buadromo (Fiji Women's Rights Movement) during the WHRDs consultation in Mexico.

³⁶ Jomary Ortégón, Colectivo de Abogados Jose Alvear Restrepo, Colombia. Personal interview.

³⁷ Martin Quintana, Maria. *Herramienta para la Protección de Defensoras de Derechos Humanos*. Guatemala: UDEFEGUA. p. 63. 2012. Web. January 2014. <http://protectionline.org/es/2012/11/09/guatemala-informe-de-udefegua-herramientas-para-la-proteccion-de-defensoras-de-derechos-humanos-udefegua/>.

schemes with government officials, and in some cases with civil society organizations, have been difficult because they considered these measures to go beyond the framework of the protection schemes. As an interviewee described, the government would say that “the goal of the protection program is not to eradicate poverty.”³⁸

Another concern regarding security schemes is that they often involve an armed presence at the WHRDs' homes, which can have a negative impact on their family lives. In some cases the armed guards (who are often police or members of the armed forces) tasked with protecting them are from the same entity as those allegedly accused of violating their rights. These protection schemes may make WHRDs feel more monitored than protected.

Additionally, these schemes can be problematic for WHRDs because they are based on a traditional concept of security that replicates patriarchal power relations and can increase WHRDs' perception of risk and vulnerability. For example, WHRDs working with victims of domestic violence or victims of sexual abuse and WHRDs working in a context of militarization may not feel safe with the presence of an armed man at their home or workplace.³⁹ This power relation may be aggravated by other factors, such as sexual orientation, occupation, location, socioeconomic background and/or ethnicity. For example, an indigenous WHRD interviewed for this report pointed out that the state assigned her several bodyguards, but for her this was a form of intimidation. Additionally, for the bodyguards it was difficult to accept that their job was to protect an indigenous woman. In negotiating this measure with the state, she emphasized the need to take into account gender and cultural sensitivity when assigning security guards.⁴⁰

As alternatives, WHRDs have suggested the use of female police officers or the use of accompaniment⁴¹ that does not involve an armed presence. The latter is a strategy pioneered by Peace Brigades International for protecting human rights defenders and communities at risk. In this case, even if the state is not involved directly in providing protection, it should provide the necessary guarantees for civil society organizations to be able to ensure this protection.

As mentioned above, measures addressing personal security also include those related to the psychosocial well-being of WHRDs. Increasingly, WHRDs are calling attention to the need to strengthen “personal, organizational, and movement consciousness regarding the political importance of working for the well-being, security, and self-care of women's rights activists – practicing these as part of human rights, which are fulfilled in the first person, and not solely sought for other women and men with whom we work and who we defend.”⁴² Self-care is intrinsically linked to security because stress and exhaustion increase the vulnerability of WHRDs and their capacity to deal with situations of emergency and risk. It is also critical to the survival of organizations and movements.⁴³

³⁸ Claudia Mejía, Corporación Sisma Mujer, Colombia. Personal interview.

³⁹ Barcia Inmaculada and Penchaszadeh Analía, *Ten Insights To Strengthen Responses For Women Human Rights Defenders At Risk*. Toronto: AWID and the Women Human Rights Defenders International Coalition. p. 6. 2012. Web. January 2014. <http://www.awid.org/Library/Ten-Insights-to-Strengthen-Responses-for-Women-Human-Rights-Defenders-at-Risk>

⁴⁰ Aura Lolita Chávez Ixcaquic, Consejo de Pueblos K'ich'é's, Guatemala. Personal interview.

⁴¹ See <http://www.peacebrigades.org/about-pbi/>.

⁴² AWID. “AWID Forum 2012: Transforming Economic Power to Advance Women's Rights and Justice Wellness and Self-Care Area” (Reflection Paper) 2012. Web. January 2014. <http://www.forum.awid.org/forum12/programme/wellness-and-self-care/>

⁴³ Barcia Inmaculada and Penchaszadeh Analía, *Ten Insights To Strengthen Responses For Women Human Rights Defenders At Risk*. Toronto: AWID and the Women Human Rights Defenders International Coalition. p. 6. 2012. Web. January 2014. <http://www.awid.org/Library/Ten-Insights-to-Strengthen-Responses-for-Women-Human-Rights-Defenders-at-Risk>

Self-care is a broad concept that involves a wide range of measures that contribute to the well-being, security and protection of WHRDs as well as the sustainability of movements and organizations. One of the key measures that WHRDs have identified in this area is the use of psychosocial support for themselves, their families and the organizations that they work with.

“In Colombia, protection of human rights defenders generally focuses on the physical security of defenders. Whilst this is an essential element, human security is actually a far more complex concept. Despite the key role psychological violence plays in the persecution of women defenders and social leaders, no psychological support is provided to these leaders by the Colombian government.”⁴⁴

Most state-sponsored programs do not include psychosocial support as part of their protection scheme and those that include it lack gender specificity. The needs of WHRDs in this respect are very different from those of their male counterparts. Because WHRDs often lack supportive family, work and social environments, their experience of a violation may be very different to that of male defenders.⁴⁵ For example, a WHRD may be perceived by her family and community as a bad mother for engaging in human rights work instead of being at home taking care of her children. In some societies, the human rights work carried out by WHRDs may be perceived as bringing shame to the family and they may be blamed for threats against family members. In many cases, the reaction from the family is to convince WHRDs to stop their work. In contrast, with male defenders, the reaction tends to be that he needs to continue the important work that he is doing. Work environments also tend to be less supportive for WHRDs. In some instances, WHRDs have pointed out that mainstream human rights organizations tend to give more visibility to attacks against male defenders than WHRDs.

WHRDs interviewed for this project drew attention to the fact that in state-sponsored programs psychosocial support is often provided by a general psychologist who often lacks the necessary expertise required to deal with WHRD gender-specific needs. For example, psychosocial support should take into account the culture of activism that often leads WHRDs to maintain unsustainable work habits and to “disregard their personal well-being because taking care of one’s own needs is perceived as unimportant in the face of others’ suffering.”⁴⁶ Otherwise, it can contribute to WHRDs’ re-victimization. Thus, it is crucial for states to ensure enough resources to cover the fees of gender specialized psychologists that WHRDs trust to provide support in this area.

2.2 SECURITY FOR FAMILY MEMBERS

“The first thing they [the perpetrators] will say to me is we can do this to your family. They don’t mention anything about me but they start by saying they are going to hurt your family member or someone close to you.”⁴⁷

⁴⁴ Corporación Sisma Mujer, *Colombia: Human Rights Defenders under Threat*, p. 4. September 2011. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/columbia_report2011.pdf

⁴⁵ Alejandra Ancheita, PRODESC, Mexico. Personal interview.

⁴⁶ Barcia Inmaculada and Penchaszadeh Analía, *Ten Insights To Strengthen Responses For Women Human Rights Defenders At Risk*. Toronto: AWID and the Women Human Rights Defenders International Coalition. p. 6. 2012. Web. January 2014. <http://www.awid.org/Library/Ten-Insights-to-Strengthen-Responses-for-Women-Human-Rights-Defenders-at-Risk>

⁴⁷ Virisila Buadromo, Fiji Women’s Rights Movement, Fiji. Personal interview.

In addition to the threats and attacks that WHRDs experience directly, they are also confronted with threats and attacks against their family members and people close to them. These attacks against WHRDs' family members are often reflective of traditional gender stereotypes that equate 'women' as synonymous with 'mothers' and caregivers.⁴⁸ These actions are a control mechanism used to "intimidate, generate terror and force women defenders to stop their work."⁴⁹

"My children were threatened with death and torture by six armed soldiers for having helped women victims of sexual violence to fill in forms to take part in proceedings at the International Criminal Court."⁵⁰

Despite this, many protection programs and measures do not take into consideration the needs of WHRDs' family members. For example, many relocation schemes do not include family members or cover expenses related to them. As a WHRD interviewed for this initiative explained:

"I am a single mother and had to leave my home with my daughter and be relocated. I had to look for a job in my new place of residence and could not take care of my daughter, so I requested the state if they could cover these expenses as part of the relocation scheme. But the state did not understand that this should be part of the protection measures."⁵¹

The fact that the work of WHRDs may cause danger to family members does not only create stress and fear for WHRDs, but can also have devastating consequences for them. WHRDs may be re-victimized and stigmatized when they are accused of putting their family members in danger.⁵² These types of attacks can lead to WHRDs being "labeled either implicitly or explicitly as 'bad' mothers; since a mother's job is seen to be the protection of her children and not exposing them to harm. For male defenders, threats against their families do not equate to them being 'bad' fathers, threats are instead seen as a result of their work."⁵³ A WHRD explained "we are vulnerable because of our culture. The husband's family will reject the wife who is responsible for the lack of safety experienced by their son."⁵⁴ In these circumstances, the WHRDs explained, divorce is nearly unavoidable.

These realities must be taken into account in the design of protection schemes. To ensure that WHRDs are able to benefit from protection measures, they must include support

⁴⁸ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders* (A/HRC/16/44). 20 December 2010, para. 54.

⁴⁹ Corporación Sisma Mujer, *Colombia: Human Rights Defenders under Threat*, p. 11. September 2011. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/columbia_report2011.pdf.

⁵⁰ Justine Masika Bihamba, Synergie des Femmes pour les Victimes des Violences Sexuelles, the Democratic Republic of Congo. Personal interview.

⁵¹ Valentina Rosendo Cantú and Centro de Tlachinollan, Mexico. Personal interview.

⁵² Martin Quintana, Maria. *Herramienta para la Protección de Defensoras de Derechos Humanos*. Guatemala: UDEFEGUA, p. 85. 2012. Web. January 2014.

⁵³ Corporación Sisma Mujer, *Colombia: Human Rights Defenders under Threat*, p. 9. September 2011. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/columbia_report2011.pdf

⁵⁴ Julienne Lusenge, Head of the Fund for Congolese Women and Chairperson of Solidarité Féminine pour la Paix et le Développement, the Democratic Republic of Congo. Personal interview.

to WHRDs' children and other dependants. Measures should include adequate resources to address economic inequalities and ensure access to health and education. Additionally, psychosocial support may also need to be extended to WHRDs' children and other family members to help them process the gendered nature of the violence and adapt to the necessary life changes imposed by protection measures such as relocation.

2.3 INSTITUTIONAL SECURITY

“Institutional security” includes measures to ensure the protection of offices and staff. These measures may include security cameras to monitor individuals and vehicles that visit the organization or frequent the area; the provision of cell phones and a liaison contact person with the relevant authorities; caller ID to trace the origin of phone-calls and identify potential threats; police patrols around the organization; and police escorts to activities outside the organization when requested. WHRDs have also identified psychosocial support sessions with staff as an important part of institutional security.

WHRDs offer mixed reviews about some of these measures. Some WHRDs have requested police patrols around the organization and police escorts to accompany WHRDs to activities taking place outside the organization. Others are more critical of any approach based on the use of force and arms because “assigning armed men to protect WHRDs at risk replace the domination of the partner, ex-partner, aggressor or armed actor for that of a male authority that expects obedience, especially when the beneficiaries are women.”⁵⁵ These measures also impose limitations on WHRDs' schedules, as well as places and people that they can visit. They can compel women to comply with codes of conduct that intentionally or unintentionally are based on gender stereotypes.⁵⁶

As mentioned in the previous section, these protection schemes can, in some cases, increase WHRDs' feeling of insecurity, especially when the police officers tasked with protecting them are from the same institutions alleged to have violated their rights. In other cases, the feeling of insecurity may be related to lack of knowledge and training of police officers. For example, in her report following a visit to Honduras, the United Nations Special Rapporteur on the situation of human rights defenders explained that in one case: “the police officers assigned for protection were confused about their task and presumed that the human rights defender was on provisional release. Consequently, the person who was supposed to be receiving protection was treated like a suspect rather than a victim.”⁵⁷ WHRDs have also highlighted that in some cases, they have not been consulted or informed about the establishment of these or other measures on their behalf.

For all these reasons, it is of critical importance to involve WHRDs in the decision-making processes about their protection schemes. After all, “WHRDs are themselves best placed to evaluate risks to their own security and that of their families, as well as to identify the best possible responses.”⁵⁸ Risk assessments must be conducted by independent experts

⁵⁵ Corporacion Sisma Mujer, Respuesta a Consulta sobre el Fortalecimiento de la Comision Interamericana de Derechos Humanos, Colombia, 5 October 2012, (unpublished).

⁵⁶ Ibid.

⁵⁷ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders*, Mission to Honduras. (A/HRC/22/47/Add.1). 13 December 2012, para. 99.

⁵⁸ Women Human Rights Defenders International Coalition. *Global Report on the Situation of Women Human Rights Defenders*. p. 109. January 2012. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf.

and include the participation of the WHRDs in defining their protection needs and priorities. They need to take into account the needs of diverse WHRDs, including indigenous women, lesbian, bisexual and transgender women and WHRDs living in conditions of poverty. These risk assessments need to consider the specific context in which WHRDs operate, the unequal power relations between genders and the different response capacities to a situation of threats and attacks.⁵⁹

WHRDs have stressed the importance of assessing the emotional security of staff and addressing exhaustion as part of institutional security schemes. For example, having regular psychosocial support sessions with all the staff can help identify vulnerabilities and facilitate internal conflict resolution that can arise in stressful situations when there are no internal communication mechanisms. Rather than internalizing fear as part of the human rights work, these sessions provide staff with an opportunity to identify the fear generated by threats and other attacks as a political tool of repression, how people react differently to fear, and the best ways to deal with it. This support contributes to reducing vulnerabilities and strengthening organizations.⁶⁰ However, for the most part, the resources allocated by institutions to support organizations of WHRDs at risk do not normally include self-care, emotional wellbeing, and rest/recovery opportunities for members of the organization.

2.4 COLLECTIVE SECURITY

Collective security goes beyond the security of an individual or an organization and refers to the security of a group. It is connected to violence that impacts a collective, even when it is directed towards an individual. Common attacks include the use of false charges, stereotypes and defamation in media campaigns and hate speech by public officials, as well as religious and community leaders. The aim of these attacks is to stigmatize and hinder public support for the ideals that a person or community represents.

For example, in Nicaragua a non-governmental organization backed by the Catholic Church brought a legal complaint in 2007 against nine WHRDs based on their involvement in assisting a minor to cross the border from Costa Rica to Nicaragua to obtain a legal abortion in 2003. The complaint alleged that the WHRDs were “guilty of the crime of concealment of rape and crimes against the administration of justice”⁶¹ in relation to the support provided to the minor. The complaint also alleged that “by expressing their opinions and organizing demonstrations in favour of access to ‘therapeutic abortions’, the nine are guilty of crimes of conspiracy to commit a crime; incitement to commit a crime; and public defence of a crime.”⁶²

In 2008, the government announced that it was investigating several NGOs, including the Autonomous Women’s Movement (Movimiento Autónomo de Mujeres, MAM), to which some of the nine WHRDs belonged, for alleged financial mismanagement.⁶³ Both

⁵⁹ Martin Quintana, Maria. *Herramienta para la Protección de Defensoras de Derechos Humanos*. Guatemala: UDEFEGUA. p. 27. 2012. Web. January 2014

⁶⁰ Yesica Sanchez, Consorcio para el Diálogo Parlamentario y la Equidad Oaxaca, Mexico. Personal interview.

⁶¹ Amnesty International, *In Focus, NICARAGUA: Intimidation of Women Human Rights Defenders*, July 2009, AI Index: AMR 43/011/2009. Available at <http://www.amnesty.org/en/library/asset/AMR43/011/2009/es/d9fd66fc-46cc-4db8-b1fc-8173b534450e/amr430112009en.pdf>.

⁶² Ibid.

⁶³ Ibid.

legal proceedings in this case were part of an escalating campaign of harassment and persecution against the feminist movement that opposed the abortion ban that was passed in 2006 in Nicaragua.⁶⁴

These types of attacks can have devastating consequences for WHRDs, resulting not only in lack of support for their causes and movements, but in some cases generating further attacks and violence from different sectors of the community. It also causes fear and has a chilling effect that can dissuade WHRDs from continuing their work. This type of violence is used as an example of what can happen to other WHRDs if they continue with their work. It also has an exhausting effect on WHRDs and their movements, forcing them to divert their attention and resources from their work, and instead spend time defending themselves in the courts or fighting media campaigns.

WHRDs in the consultation highlighted the need to ensure that protection schemes include measures directed at preventing and protecting WHRDs from this type of violence. These measures should also aim at transforming public opinion to support WHRDs and their work. As a first step, States must recognize that belonging to specific groups or movements can make WHRDs particularly vulnerable to certain attacks. For example, Colombia's Constitutional Court has recognized that "displaced women who assume leadership in displaced population organizations, workers organizations, human rights promotion, or social and community leadership become exposed to multiple threats, pressure, and risks made by illegal armed groups that many times lead to their murder."⁶⁵ Recognizing the risks of specific groups of women is critical to support the development of collective protection measures.

Other types of measures could include public recognition of the legitimate work carried out by WHRDs and also of the movement or groups that these women defenders represent. Protection measures should also aim to prevent public officials, and non-state actors from making statements that attack, stigmatize, or incite violence against WHRDs or their movements. Measures should ensure that States investigate and punish those responsible even when the statements are made by non-state actors, such as religious and community leaders, representatives of the private sector and the media.

2.5 DIGITAL SECURITY AND FREEDOM OF EXPRESSION

Another key area highlighted by WHRDs in relation to protection needs is digital security. The internet has become an essential tool for WHRDs to disseminate information, advocate, mobilize, organize and advance human rights. There are many examples of how women's rights activists use the internet and information and communication technology (ICT) in their human rights work. "From the Tahrir Bodyguards who use social media to ensure and address the safety of women exercising their right to demonstrate alongside their male counterparts in the streets of Cairo, Egypt to South African Lesbian Gay Bisexual Transgender and Intersex (LGBTI) activists and women human rights defenders who are

⁶⁴ Remarks by Juanita Jimenez (Movimiento Autónomo de Mujeres de Nicaragua) during the WHRDs consultation in Mexico.

⁶⁵ Constitutional Court of Colombia, Auto 092 of 2008, I.V.B.1.10. Cited in Human Rights Watch, *Rights Out of Reach, Obstacles to Health, Justice, and Protection for Displaced Victims of Gender-Based Violence in Colombia*, November 14, 2012. Web. January 2014. <http://www.hrw.org/reports/2012/11/14/rights-out-reach>. See also Constitutional Court of Colombia, Order 098 of 2013, pp. 17, 79, and 105. Cited in Human Rights Watch, *The Risk of Returning Home, Violence and threats against Displaced People Reclaiming Land in Colombia*, September 2013. Web. January 2014 <http://www.hrw.org/sites/default/files/reports/columbia0913webwcover.pdf>.

organizing online to resist and respond to the high levels of homophobic rape; technologies give us options and tools to construct, deconstruct, re-imagine and reconfigure our identities and the structures within which we live.”⁶⁶

The increased use of the internet and ICTs is helping to raise the visibility of WHRDs. However, increased visibility in the public sphere can also lead to risks, and new technology-related forms of violence are also emerging. As a result of their online activities, WHRDs are increasingly confronted with surveillance and censorship. The United Nations Special Rapporteur on the situation of human rights defenders has drawn attention to “cases in which human rights defenders have been charged with defamation and, in some cases, blasphemy because they have published articles, blog entries or tweets or expressed opinions in public.”⁶⁷ For example, blogger Razan Ghazzawi was put on trial in 2012 for using her blog and social media to denounce the crimes committed by the Syrian regime. The trial was an attempt to crack down on free speech.⁶⁸ In addition to traditional surveillance, online surveillance has enhanced the power of governments over WHRDs and other activists. According to Reporters Without Borders, “Online surveillance is a growing danger for journalists, bloggers, citizen-journalists and human rights defenders.”⁶⁹ An important issue for WHRDs to take into account is the risk of jeopardizing other people’s safety by not securing sensitive information stored on a computer or phone - testimonies of victims of human rights violations, or information related to sexual violence, for example.

Other common violations include the confiscation of computers by authorities, and hacking of email accounts and websites, as well as the use of the internet to harass and threaten WHRDs.⁷⁰ The United Nations Special Rapporteur on the situation of human rights defenders has pointed out that threats, including death threats, may be delivered through mobile phones, text messages or emails.⁷¹ Cyberstalking, online harassment, image manipulation, and privacy violations are other technology-related forms of violence.

In September 2013, the website of the Latin America and Caribbean Women’s Health Network (LACWHN) was hacked and disabled. The attack took place immediately after the launch of several campaign activities supporting access to safe and legal abortion in the region. According to the Women Human Rights Defenders International Coalition, this attack “is a deliberate attempt to silence legitimate feminist voices, suppress dissent and stifle women’s political participation in the public sphere on these issues by stigmatization and sabotage.”⁷² The aim of this type of violence is “the same as violence offline - to keep women

⁶⁶ Association for Progressive Communications (APC), *Statement to the 57th Session of the CSW Violence against women and information and communications technology*, March 2013.

⁶⁷ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders*, General Assembly, (A/67/292), 10 August 2012, para 56.

⁶⁸ Front Line Defenders. *Dublin: Front Line Defenders Award 2012 Goes To Razan Ghazzawi, Syria*.2012. Web. January 2014. <http://www.frontlinedefenders.org/node/18601>.

⁶⁹ Reporters Without Borders. *The Enemies of Internet, Special Edition : Surveillance* 2013. Web. January 2014. <http://surveillance.rsf.org/en/>

⁷⁰ Commissioned by the Association for Progressive Communications (APC). *What are the Digital Security Concerns and threats Facing Women Human Rights Defenders?* October 2012. Web. January 2014. <http://www.apc.org/en/system/files/analysis%20english.pdf>

⁷¹ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders* (A/HRC/16/44). 20 December 2010, para. 56.

⁷² Defending Women Defending Rights. *The Women Human Rights Defenders International Coalition (WHRD IC) Condemns the Aggressive and Systematic Digital Harassment of the Latin America and Caribbean Women’s Health Network (LACWHN)*. N.D. Web. January 2014. http://www.defendingwomen-defendingrights.org/statement_whrdic_LACWHN.php.

out of spaces that men feel belong to them, to silence women's voices and to stop women's participation in an increasingly important sphere."⁷³

According to a 2013 global survey conducted by the Association for Progressive Communications concerning risks facing WHRDs working on sexual rights, including reproductive health and rights, LGBT rights, access to safe abortion, sexual violence and rape, and sex education:

About half (51%) of the sexual rights activists, advocates, scholars, and policymakers who filled the survey had at some point received violent messages, threats or [offensive] comments while working online. About one third of the sample mentioned intimidation (34%); blocking and filtering (33%); or censorship (29%).

Extract from Survey on sexual activism, morality, and the internet. Available at: <http://www.genderit.org/articles/survey-sexual-activism-morality-and-internet>

Despite increases in technology-related violations, prevention and protection strategies lag behind, often do not address these types of violence, or are not known to WHRDs. There is also a lack of awareness of how much private and sensitive information human rights defenders give out using the internet, including social networking sites in particular. Protection and security for WHRDs in this area would mean "being able to use and interact in online spaces without fear of surveillance, data retention, threats, intimidation or violence."⁷⁴ WHRDs have also pointed out that to ensure protection, national legal frameworks regulating the use of ITCs must conform to international standards and online violations against WHRDs must be promptly investigated. WHRDs should also have access to information and training in this area.

2.6 MEASURES ADDRESSING STRUCTURAL VIOLENCE—ENDING IMPUNITY, ACCESSING JUSTICE SYSTEMS AND RAISING AWARENESS ABOUT WHRDS' WORK

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) has recommended that State parties to the Convention: "Establish and/or strengthen effective national machinery, institutions and procedures, at a high level of Government, and with adequate resources, commitment and authority to: (a) Advise on the impact on women of all government policies; (b) Monitor the situation of women comprehensively; (c) Help formulate new policies and effectively carry out strategies and measures to eliminate discrimination." **General Recommendation No. 6 (seventh session, 1988)**

⁷³ Association for Progressive Communications (APC). *Statement to the 57th Session of the CSW Violence against women and information and communications technology*, March 2013.

⁷⁴ Ibid.

2.6.1 Ending impunity and accessing justice systems

In addition to providing protection to WHRDs and their organizations, an integrated approach to security should also address structural violence against WHRDs and its root causes. Accordingly, protection programs should include measures directed to end impunity and eliminate barriers to access justice, as well as measures directed to develop a supportive environment for WHRDs to do their work.

WHRDs have underscored the need to follow up on complaints and carry out timely investigations of violations committed against them as an essential element for their protection and security. Both the United Nations Special Rapporteur on the situation of human rights defenders and the Inter-American Commission on Human Rights have also highlighted how the most effective way of protecting defenders is by ensuring timely and effective investigations of violations and the prosecution of those responsible.⁷⁵

Impunity increases WHRDs' risk because it creates a culture of tolerance. It “feeds into the vicious cycle of vulnerability, exclusion, inequality, discrimination and poverty that in turn make other human rights violations more likely.”⁷⁶ Conducting investigations of specific violations and sentencing both the perpetrators as well as the intellectual authors of the crime not only brings justice to individual WHRDs, but also sends a strong message that violations are not tolerated. This helps to create a context where the rights of WHRDs are respected and they can carry out their work.⁷⁷

Although impunity affects violations against all defenders, in the case of WHRDs, it is exacerbated by many other factors, including the historical discrimination against women and their exclusion from accessing justice systems, as well as the prevailing sexism and misogyny present in many justice systems. For instance, WHRDs are often confronted with the prejudices of the various authorities tasked with processing complaints. In many cases, the officials in charge are not aware of the risks and specific challenges confronted by WHRDs and they can be hostile and insensitive towards them.⁷⁸

WHRDs have also highlighted that in some cases, when they present a complaint, authorities do not believe them or take them seriously. A WHRD interviewed for this initiative explained that authorities often do not believe that WHRDs are being threatened and think that they just want to get attention.⁷⁹ In other instances, WHRDs denouncing a violation may be treated as suspects instead of victims. This is particularly relevant in relation to cases of sexual violence. For example, in some of these cases, the first reaction of the judicial agents is to think that the WHRD denouncing the attack is lying and that she consented to the

⁷⁵ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders* (A/HRC/16/44). 20 December 2010, para 109; and Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights Defenders in the Americas, (OEA/Ser.L/V/II.124) Doc. 5 rev.1.7 March 2006, para 233.

⁷⁶ Amnesty International, *Transforming Pain into Hope, Human Rights Defenders in the Americas*, AMR 01/006/2012, December 2012, page 48.

⁷⁷ Ibid.

⁷⁸ Martin Quintana, Maria. *Herramienta para la Protección de Defensoras de Derechos Humanos*. Guatemala: UDEFEGUA. p. 68. 2012. Web. January 2014. <http://protectionline.org/es/2012/11/09/guatemala-informe-de-udfegua-herramientas-para-la-proteccion-de-defensoras-de-derechos-humanos-udfegua/>; and *Reflections on the Situation of Women Human Rights Defenders in Colombia*, document jointly prepared in 2011 by human rights and women's groups that participate in the platform on human rights and peace (Techo Commun, 2011) (unpublished).

⁷⁹ Valentina Rosendo Cantú and Centro de Tlachinollan, Mexico; and Gladys Lanza, Movimiento de Mujeres por la Paz “Visitaición Padilla”, Honduras. Personal interview.

sexual act. In other cases, the threats of sexual violence may be considered part of a domestic problem.⁸⁰ This response on the part of officials not only helps perpetuate violence against WHRDs, but also contributes to the re-victimization of WHRDs who try to obtain justice.⁸¹

An additional hindrance to accessing justice is mistrust in its administration. For example, a WHRD explained how corruption in the judiciary and police forces prevents women from accessing the judicial system in her country. Only those with the political power to pressure or the economic resources to bribe authorities are able to move their cases forward and see justice served. Because women are often economically disadvantaged, the possibility for them to bring perpetrators to justice is very limited.⁸² Other obstacles to access to justice include the lack of interpreters or bilingual officials to work with indigenous WHRDs as well as obstacles related to the lack of resources to travel to and from their communities.⁸³

A final failing of investigations is that they do not take into account the context in which violations take place and how this context exacerbates WHRDs' risks. The context is critical because it "enables the experience of WHRDs to be understood as more than individual occurrences, but rather as part of a systemic and structural oppression of WHRDs because of their gender and/or the work that they do on gender-related issues."⁸⁴ To ensure effective investigations, officials from the judicial system also need to receive adequate training to understand the specific needs of WHRDs and the barriers that they face in accessing the justice system.

In 2012, the Supreme Court of Justice in Colombia declared that cases of killings of human rights defenders should be considered crimes against humanity because there is a systematic persecution with a clear and well established criminal purpose. In these cases, torture, disappearances and killings are directed against a group of people for claiming and defending human rights. This is an important step in the fight against impunity because categorizing these violations as crimes against humanity ensures that they do not exceed the statute of limitations. This categorization also allows the International Criminal Court to investigate these crimes.

2.6.2 Raising awareness about WHRDs' work

The lack of recognition of the work of WHRDs continues to pose a major challenge in providing protection. In many cases, women activists "may not identify as WHRDs because they are not familiar with human rights language or do not feel comfortable using

⁸⁰ *Reflections on the Situation of Women Human Rights Defenders in Colombia*, document jointly prepared in 2011 by human rights and women's groups that participate in the platform on human rights and peace (Techo Commun, 2011) (unpublished); and Martin Quintana, Maria. *Herramienta para la Proteccion de Defensoras de Derechos Humanos*. Guatemala: UDEFEGUA, p. 68. 2012. Web. January 2014. <http://protectionline.org/es/2012/11/09/guatemala-informe-de-udefegua-herramientas-para-la-proteccion-de-defensoras-de-derechos-humanos-udefegua/>.

⁸¹ Martin Quintana, Maria. *Herramienta para la Proteccion de Defensoras de Derechos Humanos*. Guatemala: UDEFEGUA, p. 69. 2012. Web. January 2014. <http://protectionline.org/es/2012/11/09/guatemala-informe-de-udefegua-herramientas-para-la-proteccion-de-defensoras-de-derechos-humanos-udefegua/>.

⁸² Lara Aharonian, Women's Resource Center, Armenia. Personal interview.

⁸³ Martin Quintana, Maria. *Herramienta para la Proteccion de Defensoras de Derechos Humanos*. Guatemala: UDEFEGUA, p. 68. 2012. Web. January 2014. <http://protectionline.org/es/2012/11/09/guatemala-informe-de-udefegua-herramientas-para-la-proteccion-de-defensoras-de-derechos-humanos-udefegua/>.

⁸⁴ Women Human Rights Defenders International Coalition. *Global Report on the Situation of Women Human Rights Defenders*. 2012. Web. January 2014. http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf.

it. WHRDs may not use the term to describe themselves out of a sense of humility or respect for the women-at-risk they are seeking to defend, who may be more marginalized than themselves. As a result, WHRDs rarely access the protection measures that exist for HRDs.”⁸⁵

WHRDs have underscored the importance of carrying out public campaigns recognizing their work as an important public policy measure to address structural violence. Recognizing WHRDs as legitimate actors is a first step that authorities can take to make clear that attacks will not be tolerated.⁸⁶ Public campaigns should aim to eliminate myths and prejudices about WHRDs and their work. Actions legitimizing the work of WHRDs may include public statements by authorities as well as community and other influential leaders. These actions may also include setting up special state-sponsored awards recognizing WHRDs in their communities or countries. These public demonstrations of support can generate recognition from local authorities and society in general, as well as build support for WHRDs in their communities and families.

⁸⁵ Barcia Inmaculada and Penchaszadeh Analía, *Ten Insights To Strengthen Responses For Women Human Rights Defenders At Risk*. Toronto: AWID and the Women Human Rights Defenders International Coalition. p.3. 2012. Web. January 2014. <http://www.awid.org/Library/Ten-Insights-to-Strengthen-Responses-for-Women-Human-Rights-Defenders-at-Risk>

⁸⁶ Amnesty International, *Transforming Pain into Hope, Human Rights Defenders in the Americas*, AMR 01/006/2012, December 2012, page 14.



State obligations to protect WHRDs

“Of course by virtue of our gender, we become easy targets not only for state security forces but other patriarchal institutions that benefit from those forms of attacks against WHRDs.”⁸⁷

States have an obligation to prevent human rights violations and to take action when there are violations against the physical and psychological integrity of WHRDs. The United Nations Declaration on human rights defenders establishes that States “shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”⁸⁸ State obligations to protect defenders also derives from States’ primary responsibility and duty to protect all human rights, as it is established in numerous legally binding treaties, including the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights.⁸⁹

Article 3 of the Convention on the Elimination of All Forms of Discrimination against Women establishes guarantees of basic human rights and fundamental freedoms for women: “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”

The duty to protect WHRDs includes negative and positive obligations. Thus, States “should prevent violations of the rights of defenders under their jurisdiction by taking legal, judicial, administrative and all other measures to ensure the full enjoyment by defenders of their rights; investigating alleged violations; prosecuting alleged perpetrators; and providing

⁸⁷ Cristina Palabay, Karapatan, Philippines. Personal interview.

⁸⁸ UN General Assembly. *United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. (A/RES/53/144) 1999. Article 12. Web. January 2014. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En).

⁸⁹ UN Special Rapporteur on the situation of human rights defenders. *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. p. 9. July 2011. Web. January 2014. <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>.

defenders with remedies and reparation.”⁹⁰ States should also refrain from violating human rights and using official tools and resources to harass and attack WHRDs. State harassment can include the use of official broadcasts to publicly discredit WHRDs; undue organizational audits; baseless criminal charges; office break-ins and confiscation of equipment. In other words, States must provide an enabling environment for WHRDs to do their job.

Additionally, States' obligation to protect includes protection from both State and non-state actors.⁹¹ This is particularly important in the case of WHRDs because they are often subjected to violations committed by non-State actors such as “fundamentalist groups, criminal enterprises, paramilitaries, as well as community and family members.”⁹² In many cases in which families and communities are involved in violations against WHRDs, abuses are considered to be part of the private or domestic sphere and are given less priority by judicial systems. In other cases, State authorities act in collusion with non-State actors. This makes it more difficult for WHRDs to access protection measures.⁹³

“More WHRDs are being targeted and attacked by the community. Usually the violence is committed by family members when they're at home. WHRDs who are speaking against it are considered to be trying to break societal norms.”⁹⁴

The United Nations Special Rapporteur on the situation of human rights defenders has said that “States bear the primary responsibility for protecting individuals, including defenders, under their jurisdiction, regardless of the status of the alleged perpetrators. In cases involving non-State actors — including private companies and illegal armed groups — it is paramount that prompt and full investigations be conducted and perpetrators brought to justice. Failure by States to prosecute and punish such perpetrators is a clear violation of article 12 of the Declaration on Human Rights Defenders.”⁹⁵

UN adopts landmark resolution on Protecting Women Human Rights Defenders

In November 2013, The United Nations General Assembly adopted a resolution on the protection of WHRDs. The resolution recognizes the specific violations faced by WHRDs and urges States to develop gender-specific laws and policies to ensure their protection. However, many aspects of the resolution were highly debated. For example, “important references in the

⁹⁰ UN Special Rapporteur on the situation of human rights defenders. *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. p. 10. July 2011. Web. January 2014 <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>.

⁹¹ Ibid and Inter-American Commission on Human Rights, *Report on the Situation of Human Rights Defenders in the Americas*. Para 127. March 2006. Web. January 2014 <http://www.cidh.org/countryrep/Defenders/defenderstoc.htm>.

⁹² Barcia Inmaculada and Penchaszadeh Analia, *Ten Insights To Strengthen Responses For Women Human Rights Defenders At Risk*. Toronto: AWID and the Women Human Rights Defenders International Coalition. p. 4. 2012. Web. January 2014. <http://www.awid.org/Library/Ten-Insights-to-Strengthen-Responses-for-Women-Human-Rights-Defenders-at-Risk>.

⁹³ Ibid.

⁹⁴ Renu adhikari, WOREC, Nepal. Personal interview.

⁹⁵ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders* (A/HRC/13/22). 30 December 2009, para 42.

initial draft acknowledging the risks faced by those working on issues of sexual and reproductive health, reproductive rights and matters related to sexuality⁹⁶ were excluded in the final draft because of the opposition expressed by States from Africa, Asia and the Holy See. According to civil society organizations working on the resolution, although it “does not comprehensively address all risks and protection needs of women human rights defenders, it remains an important and historic resolution. States have committed themselves to taking concrete steps to protecting women human rights defenders.”⁹⁷

Most countries in the world do not provide protection measures to guarantee the personal security of WHRDs. However, some countries, especially in Latin America, have developed or are in the process of developing protection programs and measures intended to guarantee the security of defenders at risk. Most protection schemes provide a set of common measures that do not integrate a gender perspective. Examples of country-specific protection programs are provided below.

The case of **Colombia** highlights strengths and potential pitfalls of State efforts. The Colombian government has created a National Protection Unit within the Ministry of Interior and restructured the existing defenders’ protection program through the enactment of various decrees in 2011 and 2012. The protection program is meant to serve a wide range of people, including indigenous leaders, trade unionists, social and community groups, journalists, victims’ organizations and organizations representing different ethnic groups, as well as elected officials.⁹⁸ Protection measures include temporary relocation, the provision of mobile phones to allow defenders to communicate directly with authorities, providing defenders with safe transportation, bullet proof vests and the deployment of bodyguards.

In the new protection scheme, the National Protection Unit is in charge of carrying out risk assessments, previously carried out by the National Police, and assumes the protection responsibilities previously under the jurisdiction of the now dismantled civilian intelligence service (Departamento Administrativo de Seguridad, DAS).⁹⁹

According to defenders, one of the flaws of the protection program that has been raised by defenders is the use of former intelligence personnel in the implementation of protection measures. Although the DAS has been dismantled, many of its former staff members have been transferred to the National Protection Unit.¹⁰⁰ In the past, the United Nations Special Rapporteur on the situation of human rights defenders has expressed concerns that “bodyguards assigned by DAS for the protection of defenders have reportedly spied on

⁹⁶ Amnesty International (AI), the Association for Women’s Rights in Development (AWID), the International Service for Human Rights (ISHR), and JASS (Just Associates), *UN adopts landmark resolution on Protecting Women Human Rights Defenders*. Available at http://www.defendingwomen-defendingrights.org/un_landmark_resolution_WHRD.php.

⁹⁷ Ibid.

⁹⁸ Non-governmental program for the Protection of Human Rights defenders – We are Defenders, *El Efecto Placebo, Informe Anual 2012, Sistema de Información sobre Agresiones contra Defensoras y Defensores de Derechos Humanos en Colombia-SIADDHH* p. 9, 10. 2012. Web. January 2014. <http://www.somosdefensores.org/attachments/article/412/informe%20somos%20defensores%20español%20FINAL%202012.pdf>.

⁹⁹ Non-governmental program for the Protection of Human Rights defenders. *We are Defenders, Annual Report 2011*. p. 10-13. 2012. Web. January 2014. <http://www.somosdefensores.org/attachments/article/306/REVISTA%20SOMOS%20INGLES.pdf>.

¹⁰⁰ Amnesty International, *Transforming Pain into Hope, Human Rights Defenders in the Americas*, AMR 01/006/2012, December 2012, page 56.

them and transmitted information to the intelligence agency.”¹⁰¹ In the current protection scheme defenders can propose the persons to be employed as their bodyguards. However, some defenders have complained that their proposed candidates have been rejected for seemingly arbitrary reasons.

Defenders have also expressed concerns about an increasing shift of responsibility for protecting defenders from the State to private security companies. A key worry is that “former paramilitaries could be employed, and could similarly spy on them and transmit information to intelligence services, in pursuit of economic benefits.”¹⁰² Under these circumstances, some defenders are reluctant to accept (or have rejected) State-sponsored protection measures because they consider them ineffective and in some cases, these measures can place them at greater risk.¹⁰³

Defenders criticize that the protection program has not been able to stop violations against WHRDs and threats and attacks continue to happen. A key concern in this regard is the lack of coordination between the protection program and the different agencies in charge of investigating violations against WHRDs. Defenders stress that the State has focused on the adoption of material protection measures that don't go beyond the physical protection of individuals, and has not adopted a comprehensive protection policy that focuses on the investigation of criminal cases to prevent attacks against WHRDs from happening again.¹⁰⁴

Another key issue of concern is the insufficient attention given to psychological and sexual violence. Although psychological violence plays a key role “in the persecution of women defenders and social leaders, the psychological dimension of security is still missing in Colombia's government-run political protection program. By focusing exclusively on the protection of individuals the program does not adequately address the protection needs of collective organizational processes.”¹⁰⁵ Lastly, defenders have also voiced concerns about “the excessive delay between a request for protection being made and the defender at risk receiving an effective response from the authorities, and implementation of protective measures if they are approved.”¹⁰⁶

On the positive side, recent reforms of the State-sponsored program recognize the need for differential protection for WHRDs. An important step in this direction was the adoption of resolution 0805 by the Ministry of Interior in May 2012, which recognizes WHRDs' specific prevention and protection needs and establishes a gender protocol for their protection. The successful adoption of this resolution was the result of a long advocacy process involving many women's groups in Colombia. Some of its key aspects include: the extension of the State-sponsored protection measures to WHRDs' children and other family members and the inclusion of principles that prioritize consultation with WHRDs. The resolution also foresees the gender sensitization and training of officials involved in WHRDs protection cases.¹⁰⁷

¹⁰¹ Sekaggya, Margaret. *Report submitted by the UN Special Rapporteur on the situation of human rights defenders* (A/HRC/13/22/Add.3), 13th session of the Human Rights Council, 4 March 2010, para. 112.

¹⁰² Sekaggya, Margaret. *Report submitted by the UN Special Rapporteur on the situation of human rights defenders* (A/HRC/13/22/Add.3), 13th session of the Human Rights Council, 4 March 2010, para. 113.

¹⁰³ Amnesty International, *Transforming Pain into Hope, Human Rights Defenders in the Americas*, AMR 01/006/2012, December 2012, page 56; and Corporación Sisma Mujer, *Colombia: Human Rights Defenders under Threat*, September 2011, pages 24 and 25.

¹⁰⁴ Non-governmental program for the Protection of Human Rights defenders – We are Defenders, *El Efecto Placebo, Informe Anual 2012, Sistema de Información sobre Agresiones contra Defensoras y Defensores de Derechos Humanos en Colombia-SIADDHH*. p. 15 and 34. 2012. Web. January 2014. <http://www.somosdefensores.org/attachments/article/412/informe%20somos%20defensores%20español%20FINAL%202012.pdf>. Also Jomary Ortégón, *Colectivo de Abogados Jose Alvear Restrepo and Claudia Mejía*, Corporación Sisma Mujer, Colombia. Personal interviews.

¹⁰⁵ Corporación Sisma Mujer, *Colombia: Human Rights Defenders under Threat*, September 2011. p. 25.

¹⁰⁶ Corporación Sisma Mujer, *Colombia: Human Rights Defenders under Threat*, September 2011. p. 24.

¹⁰⁷ Observaciones a la Resolución 0805 de 2012 por parte de las Organizaciones de Mujeres (unpublished).

WHRDs, however, have highlighted a number of problems with this protocol. A key concern is that close family members are often not covered by protection measures. Although theoretically the new protocol extends protection measures to family members, in practice this does not seem to be the case. “If a woman is assigned a bodyguard detail, for example, her children are only protected by the detail if they are with her. These leaders often travel extensively for their work. When they leave their homes, their families are often left exposed. This leaves many leaders feeling vulnerable, because in some cases, their children have been threatened or attacked.”¹⁰⁸

Another key concern is that the resolution does not specify a procedure for implementing its proposed gender differential measures. WHRDs can participate in the committees conducting the risk assessments, but cannot vote and decide on the protection measures to be assigned. Additionally, the protocol does not include time limits to adjudicate protection measures or a procedure to notify the victims. Finally, the protocol does not clarify how coordination among the different federal and state institutions tasked with the implementation of protection measures will take place.¹⁰⁹

Guatemala has not set up a protection program per se, but it has developed several initiatives aimed at providing protection for defenders. In 2004, the president created the Coordinating Unit for the Protection of Human Rights Advocates, Justice System Administrators and Operators, Journalists and Social Communicators. The Unit was established to coordinate with other State institutions on the implementation of protection measures adopted by the Inter-American System or the United Nations.¹¹⁰

In 2008, Guatemala set up the Unit for the Analysis of Attacks against Human Rights Defenders to analyze and identify patterns of attacks against defenders. This Unit is also tasked with developing recommendations for prosecutors and other officials involved in the criminal investigations of attacks against human rights defenders; recommending criteria to conduct risk assessments; and compiling information about compliance with protection measures and their effectiveness. Representatives of national and international human rights organizations can participate in the work of this Unit together with institutions working on criminal investigations, including the Prosecutor’s Office, and the National Civil Police.¹¹¹

A key concern about how this Unit functions is its lack of independence from the Ministry of Interior, which has at times suspended its activities for several months without any apparent justification.¹¹² Human rights and women’s groups as well as international organizations have stopped engaging in the work of the Unit because of its serious operational deficiencies. This includes the Unit’s handling of information, which can invite threats instead of protecting defenders.¹¹³

Since 2008, there have been several attempts to create a protection program that would consolidate existing protection initiatives. However, a cabinet-level decision creating a

¹⁰⁸ Human Rights Watch. *Rights Out of Reach, Obstacles to Health, Justice, and Protection for Displaced Victims of Gender-Based Violence in Colombia*, November 14, 2012. Web. January 2012. <http://www.hrw.org/reports/2012/11/14/rights-out-reach>.

¹⁰⁹ *Observaciones a la Resolución 0805 de 2012 por parte de las Organizaciones de Mujeres* (unpublished).

¹¹⁰ Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art*, 2012. p. 8. 2013. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹¹¹ Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art*, 2012p. 9. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹¹² Amnesty International, *Transforming Pain into Hope, Human Rights Defenders in the Americas*, AMR 01/006/2012, December 2012, page 56.

¹¹³ Claudia Samayoa, UDEFEGUA, Guatemala.

national protection program for defenders and developed in consultation with civil society groups is still awaiting the president's signature to enter into force.¹¹⁴

Brazil established the National Human Rights Defenders Protection Program in 2004. The program is hosted by “the Special Secretariat for Human Rights (SEDH) of the Presidency of the Republic. Furthermore, it articulates the action of different ministries, the justice system, land ownership bodies and police and investigative authorities, among others.”¹¹⁵ In 2007, Brazil also approved the National Policy on the Protection of Human Rights Defenders (Decree No. 6.044), which provides principles and directives to protect and assist individual defenders, organizations and social movements. This decree was later complemented with the adoption of Bill 4575/2009, which “sets out the mechanisms of the different institutional roles and establishes the conditions for entering under the program's protection.”¹¹⁶ The protection program started with three pilot projects in the states of Pernambuco, Pará and Espírito Santo and was later extended to the states of Bahia, Ceará, Minas Gerias, Rio de Janeiro, and Rio Grande del Sur.¹¹⁷

The program is coordinated through state offices and a national coordinating office in Brasilia. The office in Brasilia, along with other relevant federal institutions, is tasked with following up on the implementation of protection measures adopted by international human rights mechanisms, investigating threats and complaints, and responding to cases from states (provinces) that have not established their own program yet. The state offices are responsible for the implementation of concrete protection measures to respond to cases within their jurisdiction. State coordinating offices bring together “the Legislative, Executive and Judicial Branches, the State Prosecutor and representatives of civil society. It offers trainings in security and self-protection for Human Rights Advocates ... In some state programs, specialized NGOs can give support and legal counsel to human rights advocates.”¹¹⁸

Weaknesses of the program include “irregular funding and a lack of genuine commitment to provide meaningful protection in some cases. The lack of resources, infrastructure and co-ordination between state and federal authorities are major problems that impede the program from fully achieving its objective of protecting human rights defenders.”¹¹⁹

Mexico adopted the Law for the Protection of Human Rights Defenders and Journalists in 2012. Later that year, the government established a Government Board and a Consultative Council for the protection mechanism.¹²⁰ The Government Board, formally created in November 2012, is the decision making body of the protection mechanism and is made up

¹¹⁴ Amnesty International, Transforming Pain into Hope, Human Rights Defenders in the Americas, AMR 01/006/2012, December 2012, page 56.

¹¹⁵ Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art, 2012*, p. 8. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹¹⁶ Franciscans International. *Universal Periodic Review (UPR) of Brazil Stakeholder Submission, Franciscans International (FI), 13th Session of the Working Group on the UPR Human Rights Council, Geneva*. Para 6. November 2011. Web. 4 February 2014. http://www.franciscansinternational.org/fileadmin/docs/UPR_Reports_2011/Brazil_UPR_2012.pdf. See also Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art, 2012*, p. 8. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹¹⁷ Amnesty International, Transforming Pain into Hope, Human Rights Defenders in the Americas, AMR 01/006/2012, December 2012, page 56; and Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art, 2012*, p. 8. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹¹⁸ Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art, 2012*, p. 8. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹¹⁹ Amnesty International, Transforming Pain into Hope, Human Rights Defenders in the Americas, AMR 01/006/2012, December 2012, page 56.

¹²⁰ Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art, 2012*, p. 7. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf; and Amnesty International, Transforming Pain into Hope, Human Rights Defenders in the Americas, AMR 01/006/2012, December 2012, pages 56 and 57.

of representatives from the Ministry of Interior, the State Attorney Office, the Ministry of Foreign Affairs, the National Human Rights Commission, Public Security and other State institutions. The Board also includes representatives of the Consultative Council, which is made up of human rights defenders and journalists.¹²¹

The law foresees establishing protection measures for both individuals and collectives at risk. Measures include a wide variety of services such as temporary relocation, provision of bodyguards, radio and phone equipments and armored cars.¹²²

Despite the adoption of the law, WHRDs have raised concerns about the adequate implementation of the measures granted so far and the insufficient focus on prevention. For example, the law does not include a specific mechanism to guarantee adequate investigations and prosecution of perpetrators, which is the best way to prevent violations and protect defenders.¹²³

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) has expressed concerns about the risks faced by WHRDs in Mexico and “about information alleging that most of the cases involving violence against women human rights defenders and journalists have been committed by state agents, and that there have been no efforts to prevent, investigate, prosecute and punish perpetrators.”¹²⁴ Civil society organizations have stressed that it is important for the authorities not to “assume that their responsibilities are restricted to establishing a protection mechanism. Impunity for threats, fabricated criminal charges, attacks and killings of human rights defenders and journalists remain the greatest obstacle to improving the safety of these vital social actors.”¹²⁵

WHRDs have also expressed concerns about the lack of a gender perspective in the mechanism to look at the specific problems faced by WHRDs. They have underscored that a key problem is that the information collected is not disaggregated by sex or gender. The mechanism does not incorporate a system that identifies the different threats as well as the measures implemented to protect WHRDs. To ensure its effective implementation, WHRDs have pointed out the need to develop gender indicators to grant protection measures and adequately train staff and officials tasked with carrying out the program to ensure that they understand the specific characteristics of WHRDs.¹²⁶

¹²¹ Casa de los Derechos de Periodistas, Boletín de Prensa, Se instala el Consejo Consultivo del Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas, 30 October 2012. Available at: <http://periodistas.org.mx/se-instala-el-consejo-consultivo-del-mecanismo-para-la-proteccion-de-personas-defensoras-de-derechos>.

¹²² Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas, Capítulo VII Medidas Preventivas, Medidas de Protección y Medidas Urgentes de Protección Artículo 29 al 34. http://www.derechoshumanos.gob.mx/work/models/Derechos_Humanos/Resource/182/1/images/ley.pdf. See also Anayeli García Martínez, CimaNoticias, Triplican presupuesto a Mecanismo de Protección, México, DF, 23 de enero de 2013. Available at: <http://www.cimanoticias.com.mx/node/62433>.

¹²³ 147th IAHRC Period of Sessions. Situación General de Derechos Humanos en México. Marzo 2013. Report elaborated by: Asociadas por lo Justo, JASS; Centro Mexicano de Derecho Ambiental; Centro por la Justicia y el Derecho Internacional; Centro de Derechos Humanos Miguel Agustín Pro Juárez; Centro de Derechos Humanos de la Montaña Tlachinollan; Centro de Derechos Humanos Fray Bartolomé de Las Casas; Ciudadanos en Apoyo a los Derechos Humanos; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Fundar, Centro de Investigación y Análisis; y Red Nacional de Organismos Civiles de Derechos Humanos “Todos los Derechos para Todas y Todos.”

¹²⁴ Committee on the Elimination of Discrimination against Women, (CEDAW/C/MEX/CO/7-8), 7 August 2012, para. 24.

¹²⁵ Amnesty International, Transforming Pain into Hope, Human Rights Defenders in the Americas, AMR 01/006/2012, December 2012, page 57.

¹²⁶ Information provided by Jass Associates. See also the report presented by Jass Associates, *Consortio para el Diálogo Parlamentario y la Equidad Oaxaca* and *Red Nacional de Defensoras de Derechos Humanos en México for the Universal Periodic Review Second Cycle*. Web. 4 February 2014. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMXStakeholdersInfoS17.aspx>, (JS10 - Joint Submission 10). See also Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, A/HRC/WG.6/17/MEX/3, 31 July 2013, paras 67 to 69. This report includes many concerns expressed by Jass Associates, *Consortio para el Diálogo Parlamentario y la Equidad Oaxaca* and *Red Nacional de Defensoras de Derechos Humanos en México*.

The CEDAW Committee has urged the Mexican State to ensure that the protection mechanism for human rights defenders includes a gender approach.¹²⁷ More specifically, during the Universal Periodic Review, Mexico received a recommendation to develop “an investigation protocol with gender and ethnicity perspectives that can be used by the offices of Attorneys General of States in all cases where women human rights defenders report threats or attacks.”¹²⁸

Other obstacles to the effective implementation of the program include: the inadequate provision of human and technical resources; the lack of involvement of beneficiaries in the design of protection measures;¹²⁹ the delayed response from the competent authorities; the insufficient coordination between federal and state authorities; the lack of collaboration with local authorities to implement protective measures; and inadequate methodology to conduct risk analysis, which is not in line with international practices. Finally, WHRDs have underscored the importance of disseminating information about the protection mechanism to ensure that defenders at risk know about its existence.¹³⁰

Honduras has designated the Human Rights Unit of the Ministry of Security as the body tasked with implementing and following up on the protection measures issued by the Inter-American Human Rights System. Civil society organizations, however, have raised concerns about the small number of people who will be able to participate in the program. They have also pointed to many other gaps, for example, “it is not clear what series of protection measures will be available, nor what monitoring or risk assessment systems will be put in place. Furthermore, at least part of the cost of bodyguards will be charged to the beneficiary.”¹³¹ Additionally, the staff assigned to this Unit do not have the necessary training to address the risks faced by human rights defenders and women human rights defenders. In some cases, they have also threatened the beneficiaries of these protection measures and their families for not accepting protection measures imposed on them.¹³²

The Honduran government has also finalized the drafting of the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials. Honduras announced before the United Nations Human Rights Council in March 2013 that it would send the bill to Congress for its approval.¹³³ However, the draft bill does not enjoy strong support among civil society groups. The distrust of human rights defenders in the government’s initiative “has increased along with a growing number of violent incidents and

¹²⁷ Committee on the Elimination of Discrimination against Women, (CEDAW/C/MEX/CO/7-8), 7 August 2012, para. 25.b.

¹²⁸ Embassy of Ireland. *UPR 17 - Mexico Statement by Ireland* 23 October 2013. Web. 4 February 2014. <http://www.embassyofireland.ru/uploads/documents/Political%20Division/Human%20Rights/131023%20upr%2017%20mexico%20-%20irl.pdf>.

¹²⁹ Peace Brigades International. *Mexico Project, A Panorama of the Defense of Human Rights in Mexico: Initiatives and Risks of Mexican Civil Society*, April 2013, Page 11.

¹³⁰ 147th IAHRC Period of Sessions. *Situación General de Derechos Humanos en México*. Marzo 2013. Report elaborated by: Asociadas por lo Justo, JASS; Centro Mexicano de Derecho Ambiental; Centro por la Justicia y el Derecho Internacional; Centro de Derechos Humanos Miguel Agustín Pro Juárez; Centro de Derechos Humanos de la Montaña Tlachinollan; Centro de Derechos Humanos Fray Bartolomé de Las Casas; Ciudadanos en Apoyo a los Derechos Humanos; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Fundar, Centro de Investigación y Análisis; y Red Nacional de Organismos Civiles de Derechos Humanos “Todos los Derechos para Todas y Todos.”

¹³¹ Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art, 2012*, p. 9. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹³² Gladys Lanza, *Movimiento de Mujeres por la Paz “Visitación Padilla”*, Honduras.

¹³³ Permanent Mission of Honduras before the United Nations and other International Bodies in Geneva, *Statement under Item 3: Interactive Dialogue with the Special Rapporteur on the situation of human rights defenders*, 22nd Regular Session of the Human Rights Council, 4 March, 2013.

murders of trade union leaders, rural dwellers, young and female HRDs, as well as increased criminalization of social protest.”¹³⁴ Despite the creation of a Ministry of Justice and Human Rights following the coup d’état, violations against defenders have not decreased. On the contrary, the government has created two types of police that have been used to monitor and search defenders’ houses and have manufactured false crimes to prosecute defenders.¹³⁵

Additional countries: A limited number of countries in other regions are also in the process of developing some initiatives towards the protection of human rights defenders. For example, in the Philippines, a draft bill developed by civil society organizations to guarantee the rights of human rights defenders is being debated in Congress. Similarly, in the Democratic Republic of the Congo, a group of NGOs is lobbying the Senate to pass a draft bill on protection of human rights defenders. In Indonesia, a coalition of NGOs negotiated with the National Commission on Human Rights (Komnas HAM) to incorporate the protection of human rights defenders in the new Commissions’ law of 2012. The law provides for the Commission to play an active role in the protection of defenders.¹³⁶

To conclude, very few countries have developed mechanisms to protect WHRDs, and even in those countries with protection schemes in place, WHRDs continue to be the target of attacks. As the Special Rapporteur on the situation of human rights defenders has noted, “In the vast majority of cases there are no specific mechanisms in place to protect women defenders and those working on women’s rights or gender issues or, where they do exist, they are often hampered by a lack of implementation, political will or gender-sensitivity.”¹³⁷ Most existing protection mechanisms do not recognize the differential protection needs of WHRDs.

WHRDs often raise concerns about a lack of political commitment to implement protection measures. As the Special Rapporteur has highlighted: “Government or police officials may themselves share the prevailing conservative and patriarchal views of the community in general towards women defenders and those working on women’s rights or gender issues, and thus may have little or no enthusiasm to intervene effectively for their protection in spite of their obligation to do so.”¹³⁸

Additionally, most of the protection programs and mechanisms have proven inefficient because they tend to focus on providing measures to protect the physical integrity of WHRDs. According to the Inter-American Commission, “A comprehensive and efficient system to protect the work undertaken by human rights defenders must go beyond the mere operation of a protection program against acts of violence—although such protection is necessary and a priority.”¹³⁹ Accordingly, States should endeavour to provide an enabling environment to ensure that WHRDs are “able to continue to engage in the defense and promotion of human rights.”¹⁴⁰

¹³⁴ Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art, 2012*, p. 9. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹³⁵ Gladys Lanza, Movimiento de Mujeres por la Paz “Visitación Padilla”, Honduras.

¹³⁶ Protection International. *Focus 2013 – Public Policies for the Protection of HRDs: The State of the Art, 2012*, p. 10-11. 2012. Web. January 2014. http://protectionline.org/files/2013/02/Focus-2013_ENG_web.pdf.

¹³⁷ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders* (A/HRC/16/44). 20 December 2010, para. 90.

¹³⁸ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders* (A/HRC/16/44). 20 December 2010, para. 96.

¹³⁹ Inter-American Commission on Human Rights, Report on the Situation of Human Rights Defenders in the Americas, (OEA/Ser.L/V/II.124) Doc. 5 rev.1. 7 March 2006, para. 131.

¹⁴⁰ Inter-American Commission on Human Rights, Report on the Situation of Human Rights Defenders in the Americas, (OEA/Ser.L/V/II.) Doc. 66. 31 December 2011, para 522.



Regional and international protection mechanisms

This section provides examples of how WHRDs have used regional and international human rights mechanisms. While there are many manuals and books on human rights mechanisms, WHRDs interviewed in the course of this initiative often pointed out that defenders working at the local and national level tend to have little access to such publications and very limited information about human rights mechanisms. This section does not aim to provide a thorough account of all the existing mechanisms and how they work, but to draw on WHRDs' experiences to give a brief overview of the benefits and limitations of using various mechanisms.

4.1 UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The CEDAW Committee is an expert body composed of 23 experts on women's rights from around the world. It was established in 1982 to monitor States' compliance with their international obligations under the 1979 Convention on the Elimination of All Forms of Discrimination against Women. The countries that have ratified the Convention are required to present an initial report within one year of ratification and subsequent periodic reports every four years on the progress made to achieve equality for women in the country.¹⁴¹

The Committee examines national reports and holds dialogues with State parties to exchange views and gather information on the measures taken to advance the situation of women in the country. At the end of each session, the Committee adopts Concluding Observations highlighting progress achieved, as well as areas of concern and recommendations for improving the situation of women's rights in the country. Civil society organizations play a crucial role in this process by submitting independent or shadow reports and oral presentations to bring women's concerns to the attention of the Committee.¹⁴²

Although not an urgent protection mechanism, working with the CEDAW Committee can contribute to the development of an enabling environment for WHRDs and provide legitimacy to their work. For example, in a report examining Mexico, the Committee urged the government "to take concrete, adequate and effective measures to prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against women human rights defenders and journalists as well as take effective measures to combat impunity."¹⁴³

¹⁴¹ For more information on the Committee on the Elimination of Discrimination against Women see <http://www.un.org/womenwatch/daw/cedaw/committee.htm>.

¹⁴² For more information see International Women's Rights Action Watch (IWRAP). *Producing Shadow Reports to the CEDAW Committee: A Procedural Guide*, January 2009. Web. 4 February 2014. <http://www1.umn.edu/humanrts/iwraw/procedural-guide-08.html>

¹⁴³ Committee on the Elimination of Discrimination against Women, (CEDAW/C/MEX/CO/7-8), 7 August 2012, para. 25.

Similarly, in another report examining Belarus, the Committee expressed concerns “about the lack of an enabling environment for the establishment and operation of women’s non-governmental organizations and for encouraging the more active involvement of civil society in promoting gender equality.”¹⁴⁴ The Committee recommended Belarus to “enable the establishment and operation of women’s non-governmental organizations, and encourage and facilitate the active participation of civil society in the full implementation of the Convention and the promotion of women’s human rights.”¹⁴⁵ These recommendations can be useful tools for civil society organizations to put pressure on the State to fulfill its responsibility to protect WHRDs and raise awareness about the situation of WHRDs in specific countries.

In addition to the examination of the States’ reports, the CEDAW Committee has other mechanisms that can contribute to the protection of WHRDs. The Committee can also receive complaints (communication procedure) in relation to States that have become a party to the Optional Protocol to CEDAW.¹⁴⁶ By ratifying the Optional Protocol, States enable the Committee “to function like a Human Rights Court in regards to the effective implementation of the provisions contained in the CEDAW Convention.”¹⁴⁷

The communication procedure provides an opportunity to individual women or groups of women to seek redress for specific violations that result from actions or omissions by the State. It “offers the individual an opportunity to access and claim rights guaranteed at the international level, which have not been implemented or are not enforceable domestically.”¹⁴⁸ This mechanism offers survivors and victims the opportunity to obtain redress. Additionally, the cases decided under this procedure can influence the development of national law. However, “its recommendations are non-binding and enforcement depends upon the good faith of the State Party and pressure by civil society, the Committee and the broader international community.”¹⁴⁹

The CEDAW Committee can also initiate an inquiry procedure in countries that are party to the Optional Protocol and recognize the competence of the Committee. The inquiry procedure allows the Committee to initiate investigations when it “receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention.”¹⁵⁰ This procedure is confidential and must be carried out in cooperation with the relevant State. It may include a visit to the country.¹⁵¹

¹⁴⁴ Report of the Committee on the Elimination of Discrimination against Women, Thirtieth session (12-30 January 2004) and Thirty-first session (6-23 July 2004), General Assembly, Official Records Fifty-ninth Session, Supplement No. 38 (A/59/38), para. 343.

¹⁴⁵ Report of the Committee on the Elimination of Discrimination against Women, Thirtieth session (12-30 January 2004) and Thirty-first session (6-23 July 2004), General Assembly, Official Records Fifty-ninth Session, Supplement No. 38 (A/59/38), para. 344.

¹⁴⁶ The Optional Protocol is also a human rights treaty that complements the Convention. When a State ratifies or accede the Optional Protocol, it recognizes the Committee’s competence to review complaints concerning alleged violations of rights established in the Convention. See Information note on the submission of individual complaints under the CEDAW Optional Protocol, Office of the United Nations High Commissioner for Human Rights. Available at <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>.

¹⁴⁷ International Women’s Rights Action Watch (IWRAP), CEDAW Knowledge Resource. n.d. Web. 4 February 2014. <http://www.iwraw-ap.org/protocol/communications.htm>.

¹⁴⁸ Ibid.

¹⁴⁹ Sullivan, Donna. “The Optional Protocol to CEDAW and Its Applicability “On the Ground”” *AWID* 12 February 2008. Web. 13 December 2013.

¹⁵⁰ Article 8, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

¹⁵¹ For more information see: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/InquiryProcedure.aspx>.

For example, in 2003 the CEDAW Committee carried out an inquiry concerning the murder and disappearance of hundreds of women in Ciudad Juárez, Mexico, between 1993 and 2003, and the failure of the Mexican Government to carry out adequate investigations. The Committee examined the information received by the government as well as civil society organizations and conducted a visit to the country. At the end of the investigation, it issued a report with specific recommendations concerning the investigation of the murders and the punishment of the perpetrators. The report brought international attention to these human rights violations taking place at the national level and put pressure on the Mexican government to take action.¹⁵²

What does the CEDAW Committee do?

- Examines national reports and adopts Concluding Observations highlighting progress achieved, as well as areas of concern and recommendations for improving the situation of women's rights in the country;
- Receives complaints in relation to specific violations that result from actions or omissions by States that have become a party to the Optional Protocol to CEDAW;
- Initiates inquiry procedures to investigate grave or systematic violations in countries that are party to the Optional Protocol and recognize the competence of the Committee.

In addition to the CEDAW Committee, many other United Nations treaty bodies can contribute to the protection of WHRDs. For example, human rights and women's organizations worked with the Human Rights Committee¹⁵³ and the Committee Against Torture during the review of the situation of human rights in Nicaragua. They brought to the attention of these Committees "how the ban on therapeutic abortion in Nicaragua constitutes a serious violation of women's rights and described the escalating campaign of harassment and persecution against groups who oppose the abortion ban."¹⁵⁴ Both Committees, when examining the report from the State recommended Nicaragua to review its legislation concerning abortion and "avoid penalizing medical professionals in the conduct of their professional duties."¹⁵⁵

¹⁵² CEDAW. *Report on Mexico produced by the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention, and reply from the Government of Mexico*. January 2005. Web. 4 February 2014 http://www2.ohchr.org/english/bodies/cedaw/inquiry_procedure.htm.

¹⁵³ The Human Rights Committee monitors the implementation of the International Covenant on Civil and Political Rights and its optional protocols.

¹⁵⁴ Barcia, Inmaculada. *Urgent Responses for WHRDs at Risk: Mapping and Preliminary Assessment*. Toronto: AWID and the Women Human Rights Defenders International Coalition. 2011. p. 4. Web. January 2014. <http://awid.org/Library/Urgent-Responses-for-Women-Human-Rights-Defenders-at-Risk-Mapping-and-Preliminary-Assessment>

¹⁵⁵ Human Rights Committee, (CCPR/C/NIC/CO/3), 12 December 2008, para. 13; and Committee Against Torture, (CAT/C/NIC/CO/1), 10 June 2009, para. 16.

Other treaty monitoring bodies include:

- Committee on Economic, Social and Cultural Rights (CESCR) monitors implementation of the International Covenant on Economic, Social and Cultural Rights (1966);
- Committee on the Elimination of Racial Discrimination (CERD) monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- Committee on the Rights of the Child (CRC) monitors implementation of the Convention on the Rights of the Child (1989) and its optional protocols (2000);
- Committee on Migrant Workers (CMW) monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
- Committee on the Rights of Persons with Disabilities (CRPD) monitors implementation of the International Convention on the Rights of Persons with Disabilities (2006);
- Committee on Enforced Disappearances (CED) monitors implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (2006); and
- The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) established pursuant to the Optional Protocol of the Convention against Torture (OPCAT) (2002) visits places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Source: Extracted from <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

4.2 THE SPECIAL RAPPORTEURS ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

In 2000, the United Nations Commission on Human Rights (replaced by the Human Rights Council in 2006) established the mandate of the Special Representative, now Special Rapporteur on the situation of human rights defenders to support the implementation of the Declaration on human rights defenders.¹⁵⁶ The Declaration was adopted in 1998 by consensus by all member states of the General Assembly. Many civil society organizations were involved in the elaboration of the Declaration, to ensure that it included strong protections for defenders. The Declaration “does not create new rights but instead articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders.”¹⁵⁷

¹⁵⁶ The Declaration’s full name is “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.”

¹⁵⁷ OHCHR. *Fact Sheet 29 - Human Rights Defenders: Protecting the Right to Defend Human Rights*, p. 19. n.d. Web. 4 February 2014. <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>.

The Declaration on human rights defenders recognizes the following rights:

- To seek the protection and realization of human rights at the national and international levels;
- To conduct human rights work individually and in association with others;
- To form associations and non-governmental organizations;
- To meet or assemble peacefully;
- To seek, obtain, receive and hold information relating to human rights;
- To develop and discuss new human rights ideas and principles and to advocate their acceptance;
- To submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;
- To make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- To offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights;
- To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- To unhindered access to and communication with non-governmental and intergovernmental organizations;
- To benefit from an effective remedy;
- To the lawful exercise of the occupation or profession of human rights defender;
- To effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
- To solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

Source: Fact Sheet 29 - Human Rights Defenders: Protecting the Right to Defend Human Rights, pages 20 and 21. Available at: <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>.

The Special Rapporteur carries out different activities to support the implementation of the Declaration. For example, it can take up *individual cases*. The Special Rapporteur can receive information concerning violations against WHRDs and can contact the State where the alleged violation(s) have occurred. The Rapporteur can request states to take appropriate action to address the alleged violations. For example, in January 2012, the Special Rapporteur on the situation of human rights defenders, together with several other Special Rapporteurs,¹⁵⁸ sent a communication to the government of Egypt concerning allegations of violence by the military against women human rights defenders that took part in protests in November and December

¹⁵⁸ The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on violence against women, its causes and consequences; and the Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice.

2011 in Cairo. In the communication, the Rapporteurs express concerns “that these cases do not constitute isolated events, but represent an ongoing pattern of violence against women peacefully taking part in protests by Egyptian security forces. According to information received, women human rights defenders who participate in demonstrations are increasingly targeted by security forces to prevent them from participating in the public sphere through the use of physical harm, intentional humiliation, and sexual assault accompanied by social stigma against such ‘deviant behavior’.”¹⁵⁹ The Rapporteurs asked the Egyptian government to provide information about any investigations and prosecutions in relation to the allegations as well as in relation to any measures put in place to guarantee the safety of the women bringing the cases of sexual violence by the military to the national courts.¹⁶⁰

The mandate of the Special Rapporteur is easily accessible. It is not a legal mechanism and the person sending the communication to the Special Rapporteur doesn’t need to be a lawyer or to exhaust any domestic remedies at the local or national level. The Special Rapporteur can bring international attention to violations against WHRDs and put pressure on national governments to act. However, its effectiveness is limited for several reasons: many WHRDs are not aware of this mechanism and how to use it; States often fail to respond to the Special Rapporteur’s requests to individual communications; and the Rapporteur’s capacity for follow-up is very limited.

The Special Rapporteur can also undertake *official country visits* to gather information about the situation of defenders, identify specific concerns and make recommendations to different State institutions on how to address those concerns. States have to consent to these visits. During these visits the Special Rapporteur meets with a variety of actors, including relevant government representatives, national human rights institutions, UN agencies, civil society organizations, WHRDs and the media.

After the visit, the Rapporteur releases a report with conclusions and recommendations for further action to improve the situation of defenders in the specific country. These reports are formally presented at the Human Rights Council.¹⁶¹ Many of these reports include a specific chapter analyzing the situation of WHRDs in the specific country. For example, in the report from her mission to Honduras the Special Rapporteur highlights: “During the mission, women’s organizations raised concerns that, owing to pervasive gender discrimination, their complaints of violations against their integrity and work were dismissed and that they endured intimidation by the authorities, in particular by members of the police force.”¹⁶²

Similarly, in the report from her mission to Togo, the Special Rapporteur highlights that WHRDs face “criticism and ostracism among their own families and communities. They are labelled as, inter alia, “bad mothers” and “family breakers”. Relatives of women defenders, such as spouses and children, are also the subjects of mockery. Women defenders further encounter discrimination within the organization or trade union they operate as their male colleagues often treat them with condescence.”¹⁶³ The Special Rapporteur recommends

¹⁵⁹ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders*. Observations on communications transmitted to Governments and replies received (A/HRC/22/47/Add.4). 27 February 2013, para 130.

¹⁶⁰ Ibid.

¹⁶¹ For more information see: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CountryVisits.aspx>

¹⁶² Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders*. Mission to Honduras (A/HRC/22/47/Add.1). 13 December 2012, para 87.

¹⁶³ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders*. Mission to Togo (A/HRC/10/12/Add.2) 4 March 2009, para 70.

the government to “Recognize the legitimate work of women human rights defenders, acknowledge it as human rights work, ensure the removal of all obstacles that impede their work, and take proactive measures to support such work.”¹⁶⁴

While implementation of the recommendations depends on the willingness of the State, the reports are a useful tool for national advocacy.

The Special Rapporteur also has a mandate to issue *annual reports* to the UN Human Rights Council and the UN General Assembly. These reports describe the activities undertaken during the year and analyze trends and concerns. Some reports analyze specific themes related to defenders and the challenges that they face. For example, in 2010, the Special Rapporteur presented a report to the Human Rights Council drawing attention to the risks and challenges faced by WHRDs and providing specific recommendations to enhance their protection.¹⁶⁵

There are many other rapporteurs with a similar mandate that can be very useful to the work and protection of WHRDs. For example, the Special Rapporteur on violence against women, including its causes and consequences; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on extrajudicial, summary or arbitrary executions to name a few.¹⁶⁶

Following the creation of the United Nations Special Rapporteur on the situation of human rights defenders, other regional human rights systems also established similar mandates. In 2004, the *African Commission on Human and Peoples' Rights* adopted a resolution establishing the mandate of the Special Rapporteur on Human Rights Defenders, which has a similar mandate to the United Nations Special Rapporteur.¹⁶⁷

The Special Rapporteur on Human Rights Defenders in Africa has the mandate to:

- 1) seek, receive, examine and act upon information on the situation of human rights defenders in Africa;
- 2) submit reports at every ordinary session of the African Commission;
- 3) cooperate and engage in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders and other stake holders;
- 4) develop and recommend effective strategies to better protect human rights defenders and follow up on his/her recommendations; and
- 5) raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders in Africa.¹⁶⁸

In 2001, the *Inter-American Commission on Human Rights* established a Unit on Human Rights Defenders to specifically follow the situation of defenders in the region and

¹⁶⁴ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders Mission to Togo (A/HRC/10/12/Add.2)* 4 March 2009, para 101.

¹⁶⁵ Sekaggya, Margaret. *Report of the Special Rapporteur on the situation of human rights defenders (A/HRC/16/44)*. 20 December 2010.

¹⁶⁶ A full list is available at: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx>.

¹⁶⁷ For more information see: <http://www.achpr.org/mechanisms/human-rights-defenders/>.

¹⁶⁸ Extracted from the website of the Special Rapporteur: <http://www.achpr.org/mechanisms/human-rights-defenders/>.

coordinate activities in this area. In 2011, the IACHR turned this Unit into the Office of the Rapporteur on the Situation of Human Rights Defenders.¹⁶⁹ The Office of the Rapporteur supports the Commission by 1) analyzing petitions concerning alleged violations of human rights defenders; 2) adopting precautionary measures to prevent irreparable harm. (See the next section for more information regarding precautionary measures); 3) carrying out country visits (with the consent of the State) to better understand the situation of defenders and provide recommendations to States to protect defenders' rights; and 4) developing studies on the situation of human rights defenders and providing guidance to States to comply with their international obligations.¹⁷⁰

The *Council of Europe* has also established an independent institution, the Commissioner for Human Rights, to contribute to the protection of human rights defenders. This institution was established in 1997 to promote respect for human rights in the Council of Europe's 47 member States. In 2008, the Commissioner's role was reinforced through a Declaration of the Council of Europe asking the Commissioner to "to strengthen the role and capacity of his Office in order to provide strong and effective protection for human rights defenders."¹⁷¹

4.3 THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS: PRECAUTIONARY MEASURES

The Inter-American Commission on Human Rights (IACHR, or the Commission) is one of the main organs of the Organization of American States tasked with the promotion and protection of human rights in the American hemisphere. The Commission has different means to protect human rights defenders, including: 1) requesting information from States; 2) issuing press releases; 3) holding public hearings; 4) preparing reports on the situation of defenders; and 5) adopting precautionary measures.¹⁷²

In relation to the adoption of precautionary measures, the IACHR's Rules of Procedure establishes that the Commission can request a State to adopt these measures at the request of a party or on its own initiative. Precautionary measures can be granted in "serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the bodies of the inter-American system."¹⁷³ If the request for precautionary measures meets these requirements, the Commission can ask the State to immediately take the necessary protection measures to guarantee the life and physical integrity of the beneficiaries and to arrange those measures with them and their representatives. In cases concerning defenders, the Commission can also ask for measures to ensure that they can continue with their work defending human rights.¹⁷⁴ States have an obligation to

¹⁶⁹ For more information see: <http://www.oas.org/en/iachr/defenders/default.asp>.

¹⁷⁰ Information available at: <https://www.oas.org/en/iachr/defenders/mandate/Functions.asp>.

¹⁷¹ Council of Europe. *Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities*. para 4. 2008. Web. 4 February 2014 <https://wcd.coe.int/ViewDoc.jsp?id=1245887&Site=CM>

¹⁷² Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights Defenders in the Americas, (OEA/Ser.L/V/II.) Doc. 66. 31 December 2011, para., para 409.

¹⁷³ Inter-American Commission on Human Rights. *Rules of Procedure of the Inter-American Commission on Human Rights*. 2013. Web. 4 February 2014. <http://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>.

¹⁷⁴ Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights Defenders in the Americas, (OEA/Ser.L/V/II.) Doc. 66. 31 December 2011, para. 432.

comply with the requests for precautionary measures and must plan and implement these measures with the participation of the beneficiaries and their representatives.¹⁷⁵ However, the Commission does not have enforcement mechanisms at its disposal.

“On April 8, 2010, the IACHR granted precautionary measures for Tránsito Jurado, María Eugenia González, her minor children, and the members of the Corporación Sisma Mujer, in Colombia. The request for precautionary measures alleges that Sisma Mujer and two women who participate in a program coordinated by that organization have been subject to threats, harassment, and one act of violence, allegedly as a result of their work defending the rights of women in a situation of displacement. The request indicates that Ms. González began to receive intimidating telephone calls and to be the target of acts of harassment, starting in September 2009; that on December 4, 2009, an unknown individual approached her on the street and told her to leave Cali with her family; and that eight days later, her son, Jonathan Gómez, was murdered. The request adds that Ms. Jurado has also received death threats, and that on January 27, 2010, Sisma Mujer received an e-mail signed by the “Bloque Metropolitano de las Águilas Negras” [Metropolitan Bloc of the Black Eagles], in which the organization was declared a “military target.” The request indicates that Sisma Mujer reported the aforementioned acts and met with the competent authorities, but alleges that the necessary protection measures have not been implemented to date. The Inter-American Commission asked the State of Colombia to adopt the necessary measures to guarantee the life and personal integrity of María Eugenia González, her minor children, Tránsito Jurado, and the members of the Corporación Sisma Mujer; to reach agreement with the beneficiaries and their representatives on the measures to be adopted; and to inform the Commission about the steps taken to investigate the facts that led to the adoption of precautionary measures.”

Source: Inter-American Commission on Human Rights, PM 99-10 - Tránsito Jurado, María Eugenia González, and Members of the Corporación Sisma Mujer, Colombia. Available at <http://www.oas.org/en/iachr/defenders/protection/precautionary.asp>

WHRDs in Latin America have extensive experience working with the Commission to seek protection through the adoption of precautionary measures. The Commission has requested that the State adopt these measures in numerous cases to protect individual WHRDs, their communities and the groups with which they associate. According to the Commission, “human rights defenders account for over one third of the beneficiaries for whom precautionary measures are currently in force in this hemisphere. Of the 207 measures granted in the 2006-2010 period, 86 were for persons engaged in the defense and promotion of human rights, which is 42% of the beneficiaries of precautionary measures.”¹⁷⁶

WHRDs have observed that interventions from the Commission can put pressure on States and raise the political cost of not intervening to protect WHRDs. The possibility to go to the Commission gives them some leverage to negotiate protection measures at the national level. Also, because the Commission establishes the need to negotiate these measures with beneficiaries, WHRDs can play a more active role in their design. Precautionary measures have saved many lives and have contributed to the protection of defenders in the region.

However, WHRDs have also raised numerous concerns in relation to the effective implementation of precautionary measures. For example, they have pointed to cases in which

¹⁷⁵ Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights Defenders in the Americas, (OEA/Ser.L/V/II.) Doc. 66. 31 December 2011, para. 439.

¹⁷⁶ Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights Defenders in the Americas, (OEA/Ser.L/V/II.) Doc. 66. 31 December 2011, para. 434.

beneficiaries have been killed despite the fact that precautionary measures had been granted, which reveals serious shortcomings in their implementation.¹⁷⁷ Other concerns include the delayed response from competent authorities (for instance, measures that are meant to be urgent at times take several months to be put in place). WHRDs have also highlighted the attempts on the part of authorities to minimize the risks that they face and to refuse to recognize the gravity of their situation. This is aggravated by the discrimination that many WHRDs face when denouncing violations against them.

All these concerns point to the need to ensure that precautionary measures integrate a gender perspective and guarantee that WHRDs take part in the design of protection measures, including participating in decisions about when and for how long these measures are implemented.

4.4 EUROPEAN UNION (EU): GUIDELINES ON HUMAN RIGHTS DEFENDERS

In 2004, the EU adopted the Guidelines on Human Rights Defenders (revised in 2008) to provide support to defenders and their work. The Guidelines spell out different ways in which embassies of EU Member States and EU Delegations in third countries – collectively known as ‘EU Missions’ – can contribute to defenders’ protection.

For example, on 27 June 2012, the EU Missions, together with other international organizations, sent representatives to the Appeal Court in Phnom Penh, Cambodia, to observe the trial of thirteen WHRDs who were imprisoned for their role in organizing a protest against forced eviction in their community.¹⁷⁸ The women were land and housing rights activists who had been protesting the forced evictions of the Boeung Kak Lake community in Phnom Penh, Cambodia. They were arrested during a peaceful protest in May 2012 and 48 hours after their arrests, they were subjected to a mass trial that reportedly failed to respect their rights to a fair trial. According to observers, “the women’s lawyers’ request for time to prepare the case, examine the case file, speak with their clients, and call witnesses were all denied.”¹⁷⁹

Several international human rights defenders organizations that supported the WHRDs sent a letter to the EU Delegation to Cambodia requesting the presence of observers to the appeal trial. The letter stressed: “strong international pressure and interest in the case will improve the women’s chance of receiving a fair trial.”¹⁸⁰ On 27 June 2012, the Court suspended the remaining prison term of all thirteen women human rights defenders and ordered their release.

This case illustrates how international pressure can provide protection to defenders subjected to judicial harassment and persecution. The presence of external observers in trials is a form of protection because it can contribute to better respect for human rights standards. It also sends the message “to judges and prosecutors that there is international scrutiny of a

¹⁷⁷ Comité de América Latina para la Defensa de los Derechos de las Mujeres, *El Sistema Interamericano de protección de los Derechos Humanos en contextos democráticos: Avances y desafíos para su fortalecimiento desde una perspectiva feminista*, October 2012, para. 24.

¹⁷⁸ Front Line Defenders. *Cambodia-Update: Thirteen Boeung Kak Lake women human rights defenders received suspended sentence by the Appeal Court*. 29 June, 2012. Web. 4 February 2014. <http://www.frontlinedefenders.org/node/18800>.

¹⁷⁹ Witness. *22 Governments Asked to Observe Trial of Human Rights Defenders in Cambodia* June 2012. Web. 4 February 2014. <http://www.witness.org/content/request-observers-be-sent-appeal-trial-boeung-kak-lake-human-rights-defenders>.

¹⁸⁰ Request for observers to be sent to the appeal trial of the Boeung Kak Lake human rights defenders. Available at: <http://www.witness.org/content/request-observers-be-sent-appeal-trial-boeung-kak-lake-human-rights-defenders>.

case. Also, in countries where judges and lawyers do not feel well protected, it provides them with a potential layer of protection.”¹⁸¹

In addition to trial observation, the EU Guidelines identify other practical ways in which EU countries can provide practical support to women human rights defenders. For example, the EU Missions can make public statements to condemn threats and attacks against WHRDs. These statements can help mobilize public support and contribute to the protection of WHRDs in some contexts by putting pressure on local and national authorities to intervene in some cases and carry out investigations. The EU Missions are also supposed to maintain contacts with WHRDs, including receiving them in their missions and visiting their areas of work. They can also provide visible recognition, for instance, through publicity, visits or invitations for such purposes as presenting prizes WHRDs have obtained. In other instances a discrete approach may be more effective. The EU Guidelines also include the possibility to use “quiet diplomacy” to raise specific cases of WHRDs at immediate or serious risk with local authorities.¹⁸²

What are other practical ways in which EU Missions can support WHRDs?

- “preparing local strategies for the implementation of [the EU] guidelines, with particular attention to women human rights defenders...;
- supporting human rights defenders, as well as NGOs that promote and protect human rights defenders’ activities, through such activities as capacity building and public awareness campaigns, and facilitating cooperation between NGOs, human rights defenders and national human rights institutions;
- encouraging and supporting the establishment, and work, of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including, National Human Rights Institutions, Ombudsman’s Offices and Human Rights Commissions.
- assisting in the establishment of networks of human rights defenders at international level, including by facilitating meetings of human rights defenders both within and outside the EU;
- seeking to ensure that human rights defenders in third countries can access resources, including financial resources, from abroad and that they can be informed of the availability of those resources and of the means of requesting them;
- ensuring that human rights education programs promote, inter alia, the UN Declaration on Human Rights Defenders;
- providing measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, issuing emergency visas and facilitating temporary shelter in the EU Member States.”

Source: “Ensuring protection – European Union Guidelines on Human Rights Defenders,” paras. 11 and 14. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re01.en08.pdf>.

¹⁸¹ Barcia, Inmaculada. *Urgent Responses for WHRDs at Risk: Mapping and Preliminary Assessment*. Toronto: AWID and the Women Human Rights Defenders International Coalition. p. 7. 2011. Web. January 2014. <http://awid.org/Library/Urgent-Responses-for-Women-Human-Rights-Defenders-at-Risk-Mapping-and-Preliminary-Assessment>

¹⁸² For more information on how human rights defenders can use the EU Guidelines see Collier, Chris. *The EU: What it can do, Getting to take action, Protection Handbook for Human Rights Defenders*. Front Line Defenders, The International Foundation for the Protection of Human Rights Defenders edited by Vincent Forest. September 2013. Web. February 4, 2014 http://www.frontlinedefenders.org/files/Handbook_for_HRds_EU_Action.pdf.

As illustrated by the examples above, the Guidelines are an important tool that can contribute to the protection of WHRDs. In fact, the Guidelines expressly state that the EU Missions should pay particular attention to the specific risks faced by women human rights defenders. In some countries, the Guidelines have had a positive impact. The EU Missions have maintained a constructive dialogue with WHRDs, which has contributed to raise their profile and provide a certain degree of protection. However, in many other countries, the Guidelines' implementation and effectiveness have often been hampered by a variety of factors, including the lack of knowledge about the Guidelines by both staff at EU Missions and WHRDs; the lack of political will —WHRDs are not a priority for many embassies, which tend to be more concerned about other areas such as migration or business interests; and the limited capacity of staff at EU Missions to understand WHRDs' needs and realities. Additionally, in some contexts, WHRDs may choose not to seek protection from EU Missions because seeking protection from foreign entities may carry the stigma of supporting a 'western' agenda.

The EU has also adopted Guidelines on violence against women, which specify that “[T]he EU will ensure that it gives appropriate consideration to the synergies between the implementation of these guidelines and other EU guidelines on human rights, in particular those relating to children’s rights and human rights defenders.”¹⁸³

¹⁸³ European Union. *EU guidelines on violence against women and girls and combating all forms of discrimination against them*, para. 3.2. 2008. Web. February 4, 2014. <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf>.



Recommendations for further action

These recommendations are directed at States, regional and international human rights protection mechanisms, international cooperation agencies and donors, and national and transnational corporations. All of these actors have an important role to play in the creation of an enabling environment free from violence where WHRDs can continue their work defending human rights.¹⁸⁴

RECOMMENDATIONS TO STATES:

Recognition and support for the work of WHRDs

1. Grant political and legal recognition (in the constitution or common laws) to the diverse and important work carried out by WHRDs to protect the most vulnerable populations, to achieve more equal societies, and to strengthen democracy and the rule of law.
2. Issue specific statements and organize public awareness campaigns that support the legitimacy and importance of WHRDs' work, focusing on eliminating prejudices and recognizing WHRDs' contributions to society and development both at the national and local level.
3. Use a broad definition of "Women Human Rights Defender" that includes not only those working for traditional non-governmental organizations (NGOs), but also WHRDs defending labour rights, land rights, cultural rights, sexual and reproductive rights, as well as collectivities and grassroots organizations.
4. Work to ensure that public officials and other non-state actors (such as the media, religious and community leaders, and private sector representatives) do not make statements that attack, defame, incite violence against or stigmatize WHRDs or their social movements. In cases where such statements are made, guarantee that those responsible are punished accordingly.
5. Enact specific legislation and programs that fight sexism in media campaigns, in particular those affecting WHRDs.
6. Grant legal recognition to the United Nations Declaration on Human Rights Defenders at the national level and recognize the specific risks and vulnerabilities that WHRDs face.
7. Enact laws that support and facilitate human rights work and eliminate compulsory, excessively rigorous requirements for the legal registration of an NGO or for accessing

¹⁸⁴ These recommendations were developed in a consultation that was held in Mexico City from 26-27 June with the participation of WHRDs from Africa, Asia, Latin America and the Middle East who defend a range of human rights, including women's human rights.

international funding. These laws should prohibit the labeling of civil society organizations as ‘terrorist’ or ‘illegal organizations’ including any restrictions on this basis in accordance with their right to freedom of expression, association and assembly. Similarly, these laws should incorporate provisions on the right to appeal such characterizations of civil society organizations.

8. Guarantee public funding to ensure that WHRDs and their organizations can continue defending women’s human rights.

Protection Mechanisms and Programs

1. Formulate protection policies and programs that focus on eliminating the structural causes of violence against WHRDs and advocate for the adoption of specific measures to prevent, investigate and punish those responsible for the abuse and violence perpetrated against them.
2. Ensure that protection measures lead to an enabling environment free of violence in accordance with international human rights standards and that these measures do not impede WHRDs’ work so they can continue their activities defending human rights.
3. Recognize and do not hinder protection measures provided by non-governmental organizations that do not involve the use of arms, or state officials or persons hired by the State.
4. Develop or strengthen existing national protection mechanisms and programs for WHRDs at risk by formulating and implementing protection measures with a gender-sensitive approach that takes into account the different types of needs and risks faced by women. Such programs should:
 - a. Recognize and apply an integrated concept of protection that entails not only physical protection but also measures that support the wellbeing of WHRDs, including psychosocial support, self-care and access to other health services. These measures should take into account the specific needs of WHRDs and be provided by gender-sensitive professionals with expert knowledge on the subject matter;
 - b. Guarantee that all protection measures are designed and implemented in consultation with beneficiaries and guarantee that these measures are only granted to WHRDs with their consent;
 - c. Guarantee the flexibility of protection measures to be adapted to different regional and cultural contexts as well as the particular needs of WHRDs at risk;
 - d. Take into account the role that many WHRDs play as the primary or the only family caregiver and extend protection measures, such as psychosocial support and temporary relocation, to their children as well as other persons in their care;
 - e. Guarantee that protection measures, such as relocation plans and psychosocial support, take into consideration the specific needs of WHRDs including those based on their ethnicity, race, health, gender identity and sexual orientation;
 - f. States that do not provide relocation measures should, at the very least, guarantee the security of WHRDs who decide to relocate to another country with the support of civil society organizations;
 - g. Guarantee that risk analysis take into account the specific needs of WHRDs, as well as the particular contexts and patterns of violations against WHRDs. Risk analysis should also consider the specific needs of the diversity of WHRDs, including

indigenous, Afro-descendants, lesbian, bisexual and transgender women and those living under vulnerable conditions such as poverty;

- h.** Guarantee that risk analysis are conducted by independent experts and include the participation of WHRDs in defining their protection needs and priorities;
- i.** Improve the availability of resources and opportunities for WHRDs and their organizations to decrease their vulnerability, such as trainings on risk analysis and the formulation of security plans as a prevention strategy;
- j.** Ensure that municipal and national institutions, as well as the different sectors involved such as justice, health and education sectors, coordinate their efforts when responding to WHRDs at risk. In addition, states should identify which institutions are responsible for implementing each protection measure and establish a clear process for WHRDs to access them;
- k.** Develop or support alternative protection measures that do not involve the use of weapons (such as armed bodyguards) and recognize existing self-protection mechanisms (for example, indigenous guards or other forms of community protection);
- l.** Guarantee that budget is allocated to support the development and implementation of protection measures for WHRDs and the work that they do in defence of human rights at the municipal and national level;
- m.** Guarantee that protection measures take into account the impact of attacks on the wider group of individuals that WHRD may represent or work with, so these measures also work to prevent violence against other WHRDs from the same group, community or those who share similar causes.

Access to Justice and Impunity

- 1.** Guarantee an independent judicial system that provides redress to WHRDs who face violence and ensure that it is not used to criminalize or impede WHRDs' work. All trials against WHRDs should comply with due process.
- 2.** Strengthen existing judicial systems, or create new institutions when appropriate (for example, fast-track tribunals), to quickly respond to threats and attacks against WHRDs and to accelerate the process for filing claims and investigating.
- 3.** Establish accountability mechanisms to ensure the transparency of legal institutions, including the publication of legal decisions and related legal analysis, which should be accessible to the public.
- 4.** Guarantee the independence of public human rights institutions to ensure they can work independently as well as playing a proactive role in the execution of prevention programs on violence against WHRDs and the protection of the right to defend rights.
- 5.** Guarantee the prompt and impartial investigation of violations committed against WHRDs and the prosecution of those responsible. Investigations should use a women's rights framework and take into account the context in which WHRDs work and the patterns of attacks targeting them.
- 6.** Investigate and carry out analysis of the threats against WHRDs committed via information and communication technologies and prosecute the perpetrators of these crimes.

Training for Public Officials

1. Ensure that officials from the legal and penal systems, who work on WHRDs cases, receive training that address the risks faced by WHRDs, their specific needs, the contexts in which WHRDs work and the barriers they face in accessing justice.
2. Encourage 'peer-to-peer training' for legal system officials as a strategy for countering impunity and improving gender sensitivity.
3. Develop indicators to measure the impact of these trainings in order to identify how cases of threats and attacks against WHRDs are handled and how the rates of impunity, in those cases, have been affected.
4. Create mechanisms to prevent the political appointments, promotions to public office or advancement of political careers of those officials who instigate attacks against WHRDs.

Use of Information and Communication Technologies (ICTs)

1. Guarantee that legislation and policies that regulate the use of ICTs in each country follow international norms, including the right to access information and to freedom of expression.
2. Guarantee that legal frameworks regulating ICTs prohibits the use of information about WHRDs and their organizations for the purpose of attacks, stigmatization and persecution.
3. Prohibit justifications based on vague national security laws or the defence of community morals to sanction online privacy violations and to silence WHRDs carrying out non-violent activities in defence of human rights.
4. Promote and support protection schemes that include training on the risks, responsibilities, tools and strategies to protect WHRDs and their networks when using ICTs.

RECOMMENDATIONS FOR REGIONAL AND INTERNATIONAL HUMAN RIGHTS PROTECTION MECHANISMS:

1. Collect information and document violations committed against WHRDs and their organizations to generate evidence of the types of attacks against WHRDs and their work.
2. Issue resolutions, decisions or recommendations that clearly recognize the need to guarantee the individual and collective security of WHRDs, establish limits on State authority, and punish public officials who commit such violations.
3. Consider the number of WHRDs covered by state protection measures or programs to represent an indicator of existing violence against WHRDs in a country, rather than using this indicator as an accomplishment of the way a protection scheme is protecting a great number of people. This indicator should affect negatively the assessment of a state's compliance with its international human rights commitments.
4. Call on the country offices and representations of the United Nations High Commissioner for Human Rights, to include monitoring of compliance with the UN Declaration on Human Rights Defenders, especially the elimination of defamation and stigmatization of WHRDs, in their mandate.

5. Encourage regional and international institutions, especially those with a field presence, to follow up on decisions and resolutions issued by human rights bodies and mechanisms and to actively respond to civil society petitions. These institutions should ensure the integration of a gender perspective into their mechanisms, decisions, and responses, and consider other forms of oppression (such as those based on class, race, ethnicity, gender identity and sexual orientation) to improve the quality and impact of their actions.

RECOMMENDATIONS TO INTERNATIONAL COOPERATION AGENCIES AND DONORS:

1. Assign funds to support the work of civil society, including funding training opportunities for WHRDs to learn about risk assessments as well as strategies and tools for their protection, including digital security tools.
2. Allocate resources for protection and accompaniment programs provided by NGOs.
3. Allocate resources to strengthen national legal systems and improve WHRDs' access to justice.
4. Ensure transparency in the use of funds by establishing national accountability mechanisms, including the development of indicators to measure progress in terms of strengthening and increasing WHRDs access to the justice system.

RECOMMENDATIONS TO NATIONAL AND TRANSNATIONAL CORPORATIONS:

1. Respect the UN Guiding Principles on Business and Human Rights to secure the rights of WHRDs and provide adequate redress when these rights are violated, including violations that occur through ICTs and the media.
2. Allocate funds to support the work of women defending human rights within the framework of corporate social responsibility.



awid women's
rights

Association For Women's Rights in Development