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# VIOLENCE AGAINST WOMEN HUMAN RIGHTS DEFENDERS

## IN MESOAMERICA 2012-2014 REPORT



Context of Violence  
and Gender  
Discrimination



Being a WHRD in  
Mesoamerica



Attacks on Women  
Human Rights  
Defenders



Impact of  
Criminalization on  
WHRDs



Governmental  
Protection  
Mechanisms



Protection Networks  
for Women Human  
Rights Defenders

MESOAMERICAN INITIATIVE OF WOMEN HUMAN RIGHTS DEFENDERS

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MESOAMERICAN INITIATIVE  
*of women*  
HUMAN RIGHTS DEFENDERS





## Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras)



## Iniciativa Nicaragüense de Defensoras de Derechos Humanos



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# 1. Mesoamerican Initiative of Women Human Rights Defenders (IM- Defensoras): violence against women human rights defenders, 2012- 2014 report

Women Human Rights Defenders (WHRDs) work tirelessly for equality, justice, and peace. However, they do this work under conditions of discrimination, violence, impunity, and human rights violations that put their integrity and ability to support human rights at risk.

Within this context, the **Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras)** promotes a holistic protection model with a gender perspective, building and supporting networks and coordination efforts of WHRDs involved in various social movements. Our aim is to prevent and respond to increased violence in the region and to support women in their work for equality, justice, and peace, while fostering strength and continuity of their movements. Our work is based on the experiences and knowledge of the WHRDs themselves, and the organizations which have been working to protect human rights defenders for many years.



IM-Defensoras was founded in 2010 by Just Associates (JASS), Consorcio para el Diálogo Parlamentario y Equidad Oaxaca (Consortium for Parliamentary Dialogue and Equality in Oaxaca, Mexico), Guatemalan Human Rights Defenders Protection Unit (UDEFEUGA, in Spanish), la Colectiva Feminista para el Desarrollo Local (the Feminist Collective for Local Development, El Salvador), Association for Women's Rights in Development (AWID), and the Central American Women's Fund (FCAM, in Spanish). Currently, various networks and national coordination efforts from Honduras, Mexico, Guatemala, El Salvador, and Nicaragua also participate in IM-Defensoras, which together has a membership of over 691 women.

IM-Defensoras' holistic protection model with a gender perspective includes the following activities:<sup>1</sup>

- Encouraging and supporting National Protection Networks between and for WHRDs that bring together hundreds of women from different organizations and social movements in El Salvador, Guatemala, Honduras, Mexico, and Nicaragua.<sup>2</sup>

- Contributing to the protection of WHRDs at risk and their families, who are accompanied by national networks through the Rapid Response Fund for Security and Self-care, three Shelters and Self-care Centers, Urgent Actions, and other communications.

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<sup>1</sup> As a result of this work for the protection of human rights defenders, IM-Defensoras earned the Letelier-Moffitt Human Rights Award, established in 1978 by the Institute for Policy Studies (IPS).

<sup>2</sup> Red Salvadoreña de Defensoras de Derechos Humanos (Salvadoran Network of Women Human Rights Defenders), Red de Defensoras de Guatemala (Guatemalan Women Human Rights Defenders Network), Red Nacional de Defensoras de Derechos Humanos en Honduras (Honduran National Network of Women Human Rights Defenders of Honduras), Red Nacional de Defensoras de Derechos Humanos en México (Mexican National Network of Women Human Rights Defenders), and the Iniciativa Nicaragüense de Defensoras (Nicaraguan Women Human Rights Defenders Initiative).

- Developing campaigns and communication strategies that promote the recognition of the contributions of WHRDs, diffuse situations and risks faced by WHRDs, and enlist expressions of solidarity.

- Increasing personal and collective capacity for the exercise of self-care with a focus on the well-being of WHRDs, attention and healing of wounds and traumas caused by violence and stress, and the sustainability of participating social movements.

- Promoting, in coordination with various national and international organizations, actions with a national, regional and international impact to ensure that human rights initiatives comprehend WHRDs' situation and promote their protection.

- Creating a Regional Monitoring and Information System that facilitates analysis, reporting, and generation of statistical data with a gender perspective regarding attacks on WHRDs and their protection needs.

Drawing on data collected by the **Mesoamerican Registry of Attacks on Women Human Rights Defenders** through the Regional Monitoring and Information System, this report provides updated information regarding attacks on WHRDs in El Salvador, Guatemala, Honduras, and Mexico from 2012-2014, and includes a separate chapter on the situation in Nicaragua.<sup>3</sup> This is the second such report produced by IM-Defensoras, which in 2012 released its first year of documentation on the situation for WHRDs in the region, "Diagnóstico 2012: Violencia contra Defensoras de Derechos Humanos en Mesoamérica" (Assessment 2012: Violence against Women Human Rights Defenders in Mesoamerica). That unprecedented assessment has been used as an input in regional hearings

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<sup>3</sup> As explained in section 3, "Methodology", the process of incorporating data from Nicaragua in the IM-Defensoras Registry is still underway. As such, this report includes an analysis conducted by organizations linked with the Iniciativa Nicaragüense de Defensoras (Nicaraguan women human rights defenders initiative) with their own methodology.



before the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) and the UN Human Rights Council, and has been cited by media and national and international human rights organizations.

In the absence of specific and official reports on the situation of WHRDs in Mesoamerica and the lack of gender indicators in most of the existing documentation on violence, the present report can improve understanding of the situation of WHRDs in the region and increase awareness about the realities they face, quantifying their contributions and the risks involved in their work. It also serves as a solid base for continuing to demand that States fulfill their obligations to protect WHRDs.

This report seeks to continue strengthening the support systems created by WHRDs within their rural and urban communities, fostering a sense of belonging, and upholding the conviction that we are not alone in exercising our civic duty to defend human rights. Our aim is also to promote a sense of security for WHRDs, affirming, “If they touch one of us, they touch us all.”

Above all, however, this report recognizes the tireless efforts of Mesoamerican women, who, in the face of discrimination and violence, continue to defend the rights they have won, broadening and deepening democracy and “buen vivir” (living well) throughout the region.



## 2. Introduction

### **Why a gender perspective is needed to analyze the situation of violence against Women Human Rights Defenders**

*by Alda Facio, Independent Expert with the Working Group on Discrimination against Women in Law and Practice*

When IM-Defensors decides to highlight the gender of human rights defenders, it is not because we believe that men are the standard defenders and we are the different ones. Nor do we believe that there are only two genders represented throughout humanity. Given the context of violence and impunity which permeates the region, we see the need to highlight the specific situation of WHRDs. In addition to facing the same risks as men, women face additional risks specific to our gender.

There are too many specific risks to list here, but it is important to point out that our very presence in the field of human rights defense raises more hostility than our male counterparts'. When women defend our human rights we are also challenging cultural, religious, social, and even legal norms about femininity and the more passive role that women are expected to play in patriarchal societies.

Hostility, harassment, and repression toward WHRDs come in specific ways related to our gender, ranging from verbal to sexual assault, by State actors as well as our own colleagues, neighbours, partners, and families. Moreover, in some contexts, if a WHRD is a victim of rape or sexual assault as a result of her work,



even her own family may come to believe that it is she who has dishonoured the family and the community. Even if there hasn't been a rape or assault, WHRDs are often victims of stigmatization by leaders, religious groups, communities, and even our own families who may believe that our work goes against their religion, honour, or culture.

“When women defend our human rights we are also challenging cultural, religious, social, and even legal norms about femininity and the more passive role that women are expected to play in patriarchal societies.”

Even worse is that some abuses against us have implications directly related to our female bodies. For example, the rape of a WHRD can result in an unwanted pregnancy, a scenario worsened by the fact that in most Mesoamerican countries abortion is illegal.

As if that weren't enough, the promotion and defense of women's human rights can incite additional risks, given that the assertion of some of these rights can be interpreted as a threat to the maintenance of the patriarchal status quo.

For these reasons, in its 2008 Resolution 7/8, the Human Rights Council extended the mandate of the Special Rapporteur on the situation of human rights defenders by a period of three years and specifically requested that the mandate holder “integrate a gender perspective throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders.”

This resolution complies with the 1993 Vienna Declaration, which was the result

of the UN World Conference on Human Rights' recognition that women's rights are human rights. It also argues that in order to ensure that women, their rights, and the violations of such rights are recognized, a gender perspective must be mainstreamed in all matters related to human rights. Why? Because without this perspective it is almost impossible to see violations that women face for being women as human rights violations since these were originally conceived from the male perspective. That is, both the classification of each human right and the ways in which they can be violated were originally defined based on the specific experience of men. As such, violations that are specific to women were not considered human rights violations because they were not part of the male reality.

It was hard work, but the UN came to understand that in order for human rights to be truly universal, they would have to be redefined and reconceptualized from a gender perspective. Since then its strategy has been to mainstream a gender perspective. Unfortunately, this process has been distorted to the extent that for some people it basically means “adapting” women to fit in men's world without questioning the androcentrism present in the different understandings of reality, and without recognizing that men's reality is as specific to men as women's reality is to women. In other words, you cannot mainstream the gender perspective without questioning man as the model human, or without understanding that the male experience does not define human experience even though this has been believed for millennia.

The gender perspective involves much more than highlighting women's uniqueness. Recognizing women's specific needs demands recognition that their experience of discrimination arises from the intersection between various forms of oppression and gender discrimination, which is no easy task. It also requires an intense, deep, and sometimes painful process of personal

transformation that allows one to view, read, understand, explain, and interpret reality through different eyes. This is not achieved overnight. It is a process that requires study and will and detachment from the myths, stereotypes, biases, and partial visions and knowledge that underlie the androcentric perspective.

In human rights work, mainstreaming gender involves, on the one hand, a critique of the exclusive patriarchal worldview (that is, a worldview that places the white, adult, wealthy, heterosexual, strong, able-bodied man as the central figure), and, on the other hand, a reconceptualization and redefinition of each human right so that it includes all of the ways in which the State is obliged to uphold them. It demands that we recognize that one of the main features of our cultural and intellectual traditions is that they are androcentric and that they have placed man at the centre of human experience. This androcentric perspective has resulted in a standardization of what it means to be human as compared to man (adult, wealthy, of European decent, heterosexual, and able-bodied). Centuries of viewing and understanding the world in this way means that replacing it with a new perspective that is not exclusively male is no simple task.

That is why when we read or hear about human rights violations from an androcentric perspective, many women do not realize that we are excluded and, what's worse, we don't even realize that we are reading or hearing something that has a perspective at all, because the perspective passes as neutral. That is why we say that when the records of human rights violations don't have a gender perspective, they necessarily have an androcentric perspective, which is the dominant perspective presented as a non-perspective.

“ From a gender perspective we can see that when we speak about WHRDs, we have specific protection needs. This is not because we suffer a greater number of attacks than men (although this is true in the case of sexual assault), but because we suffer differently from the same kinds of attacks. We also suffer from attacks that are very different in nature, or that occur in very different circumstances.

The gender perspective introduces the view and experience of the feminine gender, a collective whose desires, needs, and experiences have been rendered invisible, marginalized, or undervalued in their vast diversity. But the gender perspective is not just the other side of the androcentric coin, as it does not stem from a belief that the female gender is homogenous, nor does it declare the centrality of women, nor a particular view presented as a non-view. Because the gender perspective stems from the experience of subordination of women, recognizing it exposes the power relations between the sexes and therefore does not render men or the male gender invisible. This obviously results in a broader view than the androcentric one.

It is important to remember that from the androcentric perspective, which passes as a “non-perspective”, rape is not a human rights violation, physical violence at home is not a form of torture, discrimination based on sexual orientation or gender identity is naturalized, and many other human rights violations are at most considered “obstacles to the advancement of women”. From a gender perspective, we see too many forms of



discrimination and violence that are not taken into account from the androcentric view.

Furthermore, from a gender perspective we can understand that defending rights is itself one of women's human rights. Therefore, both what is understood as "the right to defend our rights" and the State's obligation to protect this right must be conceptualized in a way that includes the distinct and specific realities of women in all of their diversity.<sup>4</sup>

In order to protect WHRDs, States must start by recognizing the fact that these women perform their work in a patriarchal context in which their lives and contributions are not valued to the same degree as those of men. They are disproportionately burdened with family responsibilities; violence and misogyny are part of everyday life and serve to intimidate them from continuing their work in the struggle for justice; and they have been raised under a paradigm that teaches them that women deserve all the bad things that have happened to them. These are but a few of the many stereotypes and forms of discrimination that are the bread of everyday life in our patriarchal societies.

From a gender perspective we can see that when we speak about WHRDs, we have specific protection needs. This is not because we suffer a greater number of attacks than men (although this is true in the case of sexual assault), but because we suffer differently from the same kinds of attacks. We also suffer from attacks that are very different in nature, or that occur in very different circumstances. Most especially, since our lives, knowledge, bodies, and minds are undervalued in our societies, communities, organizations and families, we must make a greater effort to understand and act upon these "human rights violations" and the "need for protection" faced by WHRDs.

Recognizing that everything, or almost everything, that is socially constructed, even the theory of comprehensive protection of human rights with all of its instruments and mechanisms, is androcentric, reaffirms our conviction that highlighting the specificity of WHRDs is necessary in the face of the exclusion, discrimination and inequality which we have all experienced. Therefore, the political position of IM-Defensoras is to emphasize the differences and inequalities between women and men as a means of achieving equality in the enjoyment and protection of the rights of all human rights defenders.

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<sup>4</sup> In 1998 the Declaration on human rights defenders established in Article 1: "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels."

### 3. Methodology

#### **Mesoamerican Registry of Attacks on Women Human Rights Defenders**

Given the lack of specific reports on the situation of WHRDs in Mesoamerica (Mexico and Central America) and the lack of gender indicators in most existing documentation processes, in 2012 one of IM-Defensoras' strategies was the launch of a **Registry of Attacks on Women Human Rights Defenders**, which systematically collects information on attacks against WHRDs in the region.

The aim of the Registry is to quantify the scale and types of violence against WHRDs and their families, communities, and organizations, as well as to describe the characteristics of these attacks, including potential gender dimensions.

In Mexico and Central America, the lack of reliable official records with a gender perspective that enable measurement of the scale of violence against WHRDs is itself a risk factor for WHRDs, since it renders their situation invisible and precludes the development of adequate protection measures.

The data collected by the Registry in 2012 were originally published in "Diagnóstico 2012: Violencia contra Defensoras de Derechos Humanos en Mesoamérica" (Assessment 2012: Violence against WHRDs in Mesoamerica). In this report we are using the 2012 data as well as information gathered between 2013 and 2014 through the Regional Registry.



### 3.1. Conceptual Framework of the Mesoamerican Registry

As explained in Assessment 2012, the main data collection instrument for the Mesoamerican Registry – the registration form – is based on a number of key concepts that are important to reiterate in this report.

#### *Human Rights*

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.<sup>5</sup>

#### *Women Human Rights Defenders*

The term “women human rights defenders” (WHRDs) includes women, transgender people, transsexuals, and transvestites who identify as such, individually or in association with others, and who act to promote and protect all human rights, including women’s rights.

The term refers to women who act in defense of women’s human rights as well as the full range of rights, whether civil, political, economic, social, cultural, environmental, sexual, or reproductive. We also include women journalists and communicators who work for the right to freedom of expression.

WHRDs, as established in the United Nations Declaration on Human Rights Defenders, are:

“Individuals, groups, and organs of society [that work] to promote and protect universally recognized human rights and fundamental freedoms”.<sup>6</sup>

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<sup>5</sup> United Nations definition, available at: <http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx>

<sup>6</sup> UN. “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect

The defense and protection of human rights is a right in itself, as established in the Declaration:

“[All people have the right] to conduct human rights work individually and in association with others; to seek the protection and realization of human rights at the national and international level”.<sup>7</sup>

#### *Gender and the Gender Perspective*

Based on the definitions provided by Alda Facio and Marcela Lagarde, expert scholars in the theoretical development of a gender perspective, we can affirm that:

The concept of gender refers both to a set of characteristics and behaviours and to the roles, functions and hierarchical values, imposed on each gender through the process of socialization. Each society specifies these roles according to spatial and temporal contexts, and at the same time is constantly redefining them in relation to other realities such as class, ethnicity, age, nationality, etc.<sup>8</sup>

The gender perspective, in turn, allows for an analysis and understanding of the characteristics that define women and men in the context of patriarchal societies founded on discrimination, subordination, and inequality of women. It analyzes the opportunities for men and women; the meaning of their lives, their expectations and opportunities; the complex and diverse power relations that exist between the genders, as well as the institutional and everyday conflicts that must be faced and how that is done.

“Questioning the gender dilemma in which men and women are all immersed is an important step in democracy-building and in

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Universally Recognized Human Rights and Fundamental Freedoms.” General Assembly resolution 53/144. [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En)

<sup>7</sup> Ibid.

<sup>8</sup> Facio, Alda. “Feminist Glossary. Working Paper.” Photocopy.



the redefinition of development models, as well as is in meaning-making on a personal and collective level.”<sup>9</sup>

### *Attacks on Women Human Rights Defenders*

This category links the definitions of attacks on human rights defenders – understood as violent incidents that violate the human rights of the defender at a given time, which can be physical or psychological, direct or indirect, and that affect the dignity and integrity of the defender – with gender-based violence (GBV). The latter is defined as any action or behaviour based on gender, that causes death, pain, or physical, sexual, or psychological suffering for the woman, whether in the public or private sphere that occurs within the family, community, workplace, or any other place, as is defined in the Convention of Belem do Para.<sup>10</sup>

Gender-based violence is fundamentally based on discrimination. The international Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) defines discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.<sup>11</sup>

### *Gender Component*

By “gender component” we refer to any attack in which discrimination and violence against WHRDs is gender-based such as: sexist insults or those that refer to sexuality; physical, sexual, family, obstetric, or economic violence based on gender; stigmatization or defamation based on gender stereotypes (those that question sexual morality or that blame women for family or communal disintegration for neglecting the role of care-taker and not remaining in the private sphere as is assigned socially to women); under-appreciation for contributions to social change; delegitimizing and discrediting women’s value as WHRDs; de facto denial of rights and freedoms, among others.

Discrimination and gender-based violence are expressions of power relations and male control over women and their lives, and are manifested through a set of practices and norms, explicit and implicit, which are present in various social areas, ranging from intimate relationships to institutional ideas and practices.

Gender-based violence is used as a control mechanism to maintain these power relations. WHRDs, by simply participating actively in political and social life and by publicly claiming human rights for themselves and their communities, challenge this order of things. This makes them the continuous object of social sanctions and other forms of violence that seek to keep women in a subordinate position.

## **3.2 Mesoamerican Registry of Attacks on Women Human Rights Defenders**

The **Mesoamerican Registry of Attacks on Women Human Rights Defenders** collects information with a gender perspective about attacks on WHRDs that happen at three levels: personal,<sup>12</sup> institutional, and collective.

<sup>9</sup> Lagarde, Marcela. “El género”, fragmento literal: “La perspectiva de género”, en “Género y feminismo”. Desarrollo humano y democracia, Ed. Horas y Horas, España, 1996.

<sup>10</sup> Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belem do Para”: <http://www.oas.org/juridico/english/treaties/a-61.html>

<sup>11</sup> Convention of the Elimination of All Forms of Discrimination against Women (CEDAW): <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>

<sup>12</sup> Personal attacks are those that occur when aggression



The registry includes data from El Salvador, Guatemala, Honduras, and Mexico.

Information from Nicaragua has yet to be entered in the database as we are still in the process of linking documentation gathered by the Iniciativa Nicaragüense de Defensoras (Nicaraguan Women Human Rights Defenders Initiative) with that of IM-Defensoras. That is why this report has a separate section on Nicaragua that brings together some of the data from the aforementioned documentation collected by various organizations within the Iniciativa Nicaragüense de Defensoras. However, we hope that for the next report, the country data will be fully integrated into the regional system.

### 3.2.1 The Registration Form

Data collection was carried out through the use of a registration form that was validated by various organizations within IM-Defensoras, as well as some organizations pertaining to national WHRD networks in El Salvador, Guatemala, Honduras, and Mexico. The registration form provides information on the profile of WHRDs who face human rights violations, their location, the sectors in which they work, the types of violence and threats that they face, the actors who perpetuate violence against them, information about the prevalence of reported assaults, and the results of these complaints. It also gathers information about possible attacks on family members of the WHRDs as well as other members of their organizations and communities.

The form includes **gender indicators**, such as:

- Information on the types of violence: sexual violence and harassment, partner or family violence (physical, sexual, patrimonial, etc.), expulsion from the community, ridicule of one's sexuality and/or sexual preference.

- Information on the perpetrators or

aggressors, including non-State actors such as: family members, social movements or organizations, partners.

- Types of rights defended, such as sexual and reproductive rights and sexual diversity.

### 3.2.2 Data Collection, Validation, and Systematization of the Information

The **WHRD networks and national initiatives** that are linked with IM-Defensoras are responsible for **collecting the data** on attacks. Each national network has appointed a person who is responsible for sending the information collected in the registration forms, having been trained on the use of the form and basic digital security methods to ensure confidentiality of the information. The information is verified to ensure reliability of the data about the attack. To this end, information about the attack must be verified by at least one external source in addition to the testimony provided by the WHRD.

The **verification mechanisms for information** about the attacks are defined in each country by the networks and initiatives. Some of these activities include face-to-face meetings with the attacked WHRD, verification with organizations that are accompanying the case, assessment of the seriousness of journalistic sources, copies of reports on attacks, among others.

The information gathered through the registration forms is entered into a database that allows data to be grouped by country and region, with the objective of generating statistics that can be used later in both national and regional analyses. Personal information without statistical significance is strictly confidential.

## 3.3 Scope and Challenges for the Registry of Attacks by IM-Defensoras

Although the Registry provides up-to-date information about the situation of WHRDs

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is directed at the WHRD regardless of whether or not she is linked to an organization.

in El Salvador, Guatemala, Honduras, and Mexico, it is important to note that there is a certain level of underreporting. Among the most significant causes of underreporting are the lack of official records of attacks on WHRDs in these countries, a lack of resources to follow-up on the attacks throughout all national territories, and differences in the level of knowledge that WHRD groups have about the registration process.

The level of underreporting is particularly evident in the information provided regarding gender indicators. While there are a number of reasons for this, it is important to note that in contexts in which violence against women is deeply naturalized in society, many of the attacks are normalized or minimized. If they are not seen or recognized as gender-based, they are not likely to be reported.

It is important to mention that IM-Defensoras has conducted an audit of the 2013 and 2014 data in order to ensure the rigor and validity of the information presented in this report. This process, which was guided by the advice and experience of UDEFEGUA, has allowed us to identify areas for improvement in the way in which the data on attacks is gathered. It has also opened a space for continuous capacity building in the use of the registry by designated personnel from national networks and initiatives.

### 3.4 Note on the Effect of Two High-impact Cases from the 2013 and 2014 Data

In 2013 and 2014 two high-impact cases of attacks on WHRDs in Guatemala were registered in the database, as described below:

#### CASE 1 – GUATEMALA

*On April 5, 2013, 14 workers at the Registro de Información Catastral (Property information registry, RIC) were accused of falsification of documents and facts, and fraud. This event was the result of a series of previous attacks suffered by the workers together with other members*

*of the RIC Union. These included, among others, threats against one worker, economic violence to another, sexual assault on another, and complaints filed with the Human Rights Ombudsman against another two. The aim of these attacks was to dissolve the union that was working to expose a structure of property theft.*

#### CASE 2 – GUATEMALA

*On March 13, 2014, the pressure exerted by a landowner against the communities of Santa Elena Semanazana II, Chisec, Alta Verapaz forced the entire community to leave. This case is different from other similar cases because the community had come together over twenty years ago to stake their claims on government land and, after many years of struggle, finally won their claim. As this was happening, the neighbouring landowner entered into negotiations with a group of drug traffickers and became interested in the community's land for use as a drug trafficking route. When the community came together to oppose this, the landlord began to use legal measures and pressure from armed men. The community decided to resist and denounce the drug trafficking, which increased the scale of violence, eventually to the point that they were forced to flee the community. The last ones to resist were women and children, totalling 60 people.*

For collective cases, the registry system multiplies the victims by the number of attacks. This is also done with the registration of perpetrators or aggressors, the types of aggression, and the rights defended by the WHRDs at the time of the attack. Therefore, these two cases impact the regional statistics by illustrating trends that are relevant to Guatemala, but are not applicable to the rest of the countries. We feel it is important to acknowledge these differences when analyzing the corresponding items.



## 4. Context of Violence and Discrimination against Women in Mexico and Central America

### 4.1 Structural Inequality

Historical and structural inequality and discrimination is a reality for the majority of women who live in Mesoamerica.<sup>13</sup> According to indicators of inequality established by the Economic Commission for Latin America and the Caribbean (ECLAC) (physical autonomy, autonomy in decision-making, and economic autonomy), we see that significant gaps still exist today.

**Physical Autonomy.** Women in the region are still dying because of lack of autonomy over their bodies and their lives. This is evident in mortality rates associated with domestic violence and those linked with maternity. In El Salvador, 46 of every 100,000 women die at the hands of their romantic partner or former romantic partner; in Honduras, 34; in Nicaragua, 25; and in Guatemala, 17.<sup>14</sup> In Mexico there is no specific data on women's deaths at the hands of their partners or former partners, but official statistics estimate that 14

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<sup>13</sup> "Mesoamerica" here refers to the region comprised of Mexico and Central America.

<sup>14</sup> Gender Equality Observatory. ECLAC. (Data from the year 2013. Data on Mexico not found in this source). <http://www.cepal.org/oig/default.asp?idioma=IN>



of every 100 women (14%) have been hit, tied up, kicked, victims of attempted hanging or suffocation, or assaulted with a weapon by their partner.<sup>15</sup>

Regarding deaths from maternity-related causes, in 2013 the maternal mortality ratio in Guatemala was 140; in Honduras, 120; in Nicaragua, 100; in El Salvador, 69;<sup>16</sup> and in Mexico, 38.2.<sup>17</sup> This situation is exacerbated in the case of adolescent girls who, according to the World Health Organization, run a risk of maternal death four times higher than women aged 20 and older.<sup>18</sup>

According to the 2013 UNFPA State of World Population report, in the Latin American context, Central America is the worst region for “child mothers”. Although fertility rates have dropped for adult women in the region, this is not the case for adolescents, resulting in major developmental limitations and serious consequences for their overall health. Nicaragua is the country with the highest figures (28% of women aged 20 to 24 report having given birth before the age of 18), followed by Honduras at 26%, and Guatemala and El Salvador at 24%.<sup>19</sup> In Mexico, for adolescents aged 15 to 19, the number of births per thousand women is 77.<sup>20</sup>

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<sup>15</sup> INMUJERES with information from the National Survey on Household Relationship Dynamics, ENDIREH), 2011.

<sup>16</sup> Maternal deaths for every 100,000 live births. Gender Equality Observatory. ECLAC. <http://www.cepal.org/oig/default.asp?idioma=IN>. Data from the year 2013

<sup>17</sup> Information collected in the report “Niñas y mujeres sin justicia” (Girls and Women without Justice) by the Grupo de Información en Reproducción Elegida (GIRE - Information Group on Reproductive Choice), Mexico, 2015.

<sup>18</sup> World Health Organization. “Adolescent pregnancy: a culturally complex issue”, 2009. <http://www.who.int/bulletin/volumes/87/6/09-020609/en/>

<sup>19</sup> Data from the United Nations Population Fund (UNFPA), in “Motherhood in childhood: facing the challenge of adolescent pregnancy”. <http://www.unfpa.org/publications/state-world-population-2013>

<sup>20</sup> Instituto Nacional de Estadística y Geografía (INEGI - National Institute of Statistics and Geography). Statistics for International Youth Day. National Data. 2015.

Three of the seven countries worldwide that penalize abortion in all its forms are found in Mesoamerica (El Salvador, Honduras and Nicaragua). In Guatemala, abortion is permitted only if the mother faces risk of death. The absolute criminalization of abortion goes so far as to ban abortions for women who have been victims of rape or who may lose their lives if they continue the pregnancy, and it especially affects women who are poor, young, and with lower levels of education.

In El Salvador, as a result of this legislation that limits sexual and reproductive rights, there are women facing sentences ranging from 30 to 40 years in prison, initially accused of induced abortion and then sentenced for aggravated homicide. In Honduras, the government has banned the use, sale, purchase, distribution and any policy or program related to emergency contraception (sometimes called “the morning after pill”). In Mexico, in 26 of the state penal codes there are sanctions for the crime of abortion including imprisonment ranging from 15 days to 6 years.<sup>21</sup>

**Autonomy in Decision-Making.** The region is still far from reaching full political participation of women. Only in Nicaragua in 2012<sup>22</sup> and in Mexico in 2014<sup>23</sup> is gender parity included in legislation. The under-representation of women in parliament is still evident in the majority of congresses in the region: in 2015 women occupied 13.3% of the seats in Guatemala, 25.8% in Honduras, 27.4% in El Salvador, 38% in Mexico, and 39.1% in

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<sup>21</sup> Grupo de Información Elegida (GIRE); report “Niñas y mujeres sin justicia. Derechos reproductivos en México” (Girls and Women without Justice, Reproductive Rights in Mexico). 2015

<sup>22</sup> International Institute for Democracy and Electoral Assistance, Inter-American Commission of Women; “Banking on parity: democratizing the political system in Latin America”, 2013. <http://www.oas.org/en/cim/democracy.asp>

<sup>23</sup> UN Bulletin; “Con la paridad electoral, México avanza hacia la igualdad entre mujeres y hombres” (With electoral parity, Mexico advances towards equality between women and men), 2014.



Nicaragua.<sup>24</sup> The percentages are even lower in the case of mayors in all of these countries (2.1% in Guatemala, 3.4% in Honduras, 5.6 in México and 10.7 in El Salvador), with the exception of Nicaragua where 40.1% of mayors are women.<sup>25</sup>

**Economic Autonomy.** The percentages of urban and rural women in the region without their own source of income are quite high, while the hours of unpaid work for women are very high. That is, Mesoamerican women take on the huge task of supporting their families, by taking care of children and the elderly for example, that is not recognized monetarily and is not shared equally with men, making it difficult for women to invest their time in personal and professional development, rest, or leisure activities.

Guatemala and Honduras have the highest percentages of women without income: in Guatemala, 31.2% of urban women and 52% of rural women, and in Honduras, 32% of urban women and 49.3% of rural women.<sup>26</sup> In Mexico and El Salvador the rates are also high: over 28% of urban and rural women in Mexico; and 29.6% of urban women and 42.3% of rural women in El Salvador.<sup>27</sup>

Regarding the hours devoted to housework and caretaking – which partially explains the high rates of women without income – ECLAC found that in Guatemala women aged 15 and older spend a national average of 7 hours on domestic work (compared to 1 hour for men), in Honduras 4 hours (1 hour for men) and in Mexico 8.5 hours (3.4 hours for men).<sup>28</sup> In

this context it is important to point out that structural adjustment policies implemented in the region in recent decades have privatized and weakened public services, generating an additional burden for women in the areas of caretaking and family health. In fact, these policies depend on the historic division of labour for their successful implementation.

**Ratification of the Optional Protocol to the CEDAW.** Another important indicator that measures the level of formal commitment to the advancement of equality and to combatting discrimination is the signature and ratification of the CEDAW Protocol. This protocol establishes specific mechanisms to assist governments in meeting the commitments made by signing this important international instrument. However, of all of the countries covered in this report, Honduras and Nicaragua have not yet ratified the Protocol and El Salvador has only signed it, thereby limiting the full exercise of women's human rights.

#### 4.2 Crisis of Violence and Human Rights Violations

The Mesoamerican region faces a crisis of violence and systematic human rights violations. Large national territories controlled by organized crime or criminal gangs, economic policies that deepen inequality and privilege private interests, meddling in public affairs by religious hierarchies, militarization, dispossession of lands and natural resources from indigenous peoples and communities, as well as policies and laws that restrict and criminalize social protest or that violate fundamental rights, are some of the expressions of this crisis that is occurring to varying degrees and nuances throughout the region.

Alarming levels of impunity are present throughout the entire region. Mexico ranks second in the worldwide impunity index, while Nicaragua, Honduras and El Salvador are in

<sup>24</sup> Gender Equality Observatory. ECLAC. <http://www.cepal.org/oig/default.asp?idioma=IN>

<sup>25</sup> Ibid. Data from the year 2013.

<sup>26</sup> Ibid. Data from the year 2013 for Guatemala and 2010 for Honduras.

<sup>27</sup> Ibid. Data from the year 2012 for Mexico and 2013 for Honduras. There is no data for Nicaragua in this source.

<sup>28</sup> Ibid. Data from the year 2011 for Guatemala, Honduras; from 2009 for Mexico. There is no data for Nicaragua or El Salvador in this source.



sixth, seventh, and eighth place respectively.<sup>29</sup>

Impunity particularly affects women; the IACHR has acknowledged that “in several countries there is a pattern of systematic impunity in the judicial process and in the actions taken around cases of violence against women due to the fact that the vast majority of these cases lack formal investigations, sanctions, or redress. The context of impunity in which these human rights violations take place perpetuates the social acceptance of the phenomenon of violence against women. The IACHR recognizes that the failure to investigate the reported circumstances occurs because of discriminatory sociocultural patterns that discredit the victims and contribute to the perception that these crimes are not priorities”<sup>30</sup>.

**Increase, Impunity and New Forms of Violence against Women.** A worrying increase and intensification of violence against women has been observed in this context. In the midst of a culture that tolerates and normalizes violence, increasingly cruel forms of violence against women, including sexual slavery and torture, have been documented throughout the region. At the same time, an increase in rates of femicide/femicide has been observed, worsened by acts that are particularly cruel in nature, have been carefully planned, and are carried out in the presence of children.

In Honduras, from 2005 to 2013, the rate of women’s violent deaths increased by 263.4%.<sup>31</sup>

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<sup>29</sup> Centro de Estudios sobre Impunidad y Justicia (CESIJ - Centre for Studies on Impunity and Injustice). Índice Global de la Impunidad (Global Impunity Index). Universidad de las Américas Puebla.

<sup>30</sup> IACHR Office of the Rapporteur on the Rights of Women: “Access to justice for women victims of sexual violence in Mesoamerica”. <http://www.oas.org/en/iachr/women/default.asp>

<sup>31</sup> Instituto universitario en democracia, paz y seguridad (IUDPAS University Institute for Democracy, Peace and Security,) and Observatorio de la violencia UNAH (UNAH Violence Observatory); Faculty of Social Sciences. Special

In El Salvador, the National Civil Police registered a total of 292 murdered women in 2014, representing an increase of 77 cases compared to 215 in 2013.<sup>32</sup> In Nicaragua, 66 femicides were registered in 2013, and 72 in 2012.<sup>33</sup> In Mexico, 3,892 women were victims of femicide between 2012 and 2013;<sup>34</sup> in the Northeast region of the country alone the risk of death by homicide for women increased by over 400% between 2007 and 2010.<sup>35</sup>

In Guatemala, where there still hasn’t been full justice for women victims of violence during the armed conflict, the complaints filed with the Public Prosecutor for crimes typified as violence against women under the current legislation more than tripled between 2008 and 2013.<sup>36</sup> Complaints of sexual violence alone rose from 3,163 in 2008 to 10,343 in 2013.<sup>37</sup>

On the other hand, when assessing the increase in murders, disappearances, and forced disappearances of men and women in many parts of the region, comparable to rates

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Edition No. 9, Tegucigalpa, January, 2013.

<sup>32</sup> El Observatorio de violencia. Policía Nacional Civil reportó 292 mujeres asesinadas durante 2014. (Violence observatory; National Civil Police reported 292 murdered women in 2014)

<sup>33</sup> Católicas por el derecho de decidir (Catholics for the Right to Decide); “Femicidios 2013 en Nicaragua” (2013 Femicides in Nicaragua).

<sup>34</sup> Observatorio nacional del feminicidio (National Observatory on Femicide); “Estudio de la implementación del tipo penal del feminicidio: causas y consecuencias, 2012-2013” (Study of the Implementation of the Penal Code in Cases of Femicide: Causes and Consequences, 2012-2013). p. 53.

<sup>35</sup> Comisión nacional para prevenir y erradicar la violencia contra las mujeres (National Commission to Prevent and Eradicate Violence against Women); “Estudio nacional sobre las fuentes, orígenes y factores que producen y reproducen la violencia contra las mujeres” (National Study on the Sources, Origins and Factors that Produce and Reproduce Violence against Women), 2012

<sup>36</sup> CERIGUA; “Violencia contra las mujeres, una epidemia en aumento”. (Violence against Women, a Growing Epidemic).

<sup>37</sup> Ibid.



of countries at war,<sup>38</sup> it is women who have shouldered the cost of this violence: caring for their families, finding themselves forced to flee their homes because of the violence and, in many cases, leading the pursuit of justice for their murdered or disappeared loved ones.

The mothers of the 43 students of the Rural Normal School in Ayotzinapa, Guerrero; the mothers of Ciudad Juárez, Nuevo León or Coahuila, México searching for their missing sons and daughters; the Salvadorian and Honduran women who travel migration routes searching for their missing migrant sons and daughters; the Guatemalan mothers who for decades have been searching for their sons and daughters who disappeared during the war; are all examples that are echoed throughout all of the territories in the region.

Another expression of the intensification of the violence against women is the violence against migrant women. The migrants who cross Mexico to reach the United States are victims of homicides, kidnappings and extortion by criminal gangs, often with the complicity of public officials. Women and children face the additional risk of sexual violence and human trafficking.<sup>39</sup> Based on the number of migrants rejected by Mexico and the United States, women represent an average of 13% of the flow of migrants from Central America travelling through Mexico (of which 18% are from El Salvador).<sup>40</sup>

**Increased Extractive Industry Projects in the Region.** In 2011, 14% of Central American territories were under concession to mining companies, in particular Canadian companies, with Honduras and Guatemala being the countries with the highest number of granted licenses.<sup>41</sup> In Mexico, over 40% of the national territory has been given in concession to mining companies, and as of August 2015 there were over 418 conflict zones between mining companies and local residents related to these concessions.<sup>42</sup>

Throughout the region there has been an increase in mining projects and other mega development projects that have generally been imposed with no consideration of the rights to free, prior, and informed consent from the affected populations, as guaranteed under ILO Convention 169. This affects women in specific ways, especially those who have organized their communities against these projects.

The ways in which this expanding model of extractive development impact women are multifold:<sup>43</sup>

- Women's workload increases as they have to take on the additional agricultural activities of the men who go to work in or with the mine;
- Women tend to be excluded from the economic benefits and negotiations about the fate of their territories;
- Women suffer from health problems related to the environmental damage caused by these projects, and have to care for family members who become sick from these causes;

<sup>38</sup> According to the 2013 United Nations Global Study on Homicide, Honduras was the country with the highest murder rate in the world, with a homicide rate of 90.4 in every 100,000 inhabitants. El Salvador and Guatemala are in the top five with rates of 41.2 and 39.9 per 100,000 inhabitants respectively.

<sup>39</sup> Amnesty International; Report 2014/2015. <https://www.amnesty.org/en/documents/polio/0001/2015/en/>

<sup>40</sup> Instituto Tecnológico Autónomo de México (Autonomous Technological Institute of Mexico); "Migración centroamericana en tránsito por México hacia Estados Unidos" (Central American migration to the United States through Mexico). P. 16, 2014.

<sup>41</sup> Centro de investigación sobre inversión y comercio (CEICOM, Trade and Investment Research Centre); "Impactos de la minería metálica en Centroamérica" (Impact of Metal Mining in Central America).

<sup>42</sup> Revolución 3.0.: "Más del 40% del territorio nacional ha sido concesionado a transnacionales, existen 418 puntos de resistencia" (Over 40% of the National Territory has Been Given in Concession to Transnationals, 418 Resistance Sites Identified)

<sup>43</sup> ALAI; "Mujeres y minería: la defensa de nuestros cuerpos y territorios" (Women and Mining: In Defence of Our Bodies and Our Lands)



● Particular types of violence against women tend to increase, including domestic violence, human trafficking (when prostitution businesses are set up for the miners), and sexual violence;

● Extractive activities can generate greater economic dependency for women as they are stripped of their livelihoods, such as small-scale food production.

Many women have been displaced from their communities and many have also been assaulted, including sexually, by military and policy forces during forced evictions related to extractive megaprojects.

An example of sexual violence committed in the context of evictions is the 2007 rape and sexual torture of Q'eqchi' Maya women in the Lote Ocho o Chacpaylá community in El Estor, Izabal (Guatemala). Hundreds of private security guards, as well as agents of the National Civil Police (PNC) and the army, participated in the eviction, committing multiple human rights violations. The community sits on disputed territory claimed by both the Guatemalan Nickel Company SA and the Q'eqchi' people who claim it as part of their ancestral lands. Armed troops sexually assaulted women in the community in a brutal and massive scale. Some women were raped by as many as ten men and many ended up pregnant.<sup>44</sup>

This situation is not only happening in Mexico, Honduras, El Salvador, and Guatemala, but also in countries like Nicaragua where protests against projects such as an inter-oceanic canal construction and open air mining have been brutally repressed.

This is, broadly speaking, the context in which Mesoamerican women human rights

defenders do their work, confronting historical inequalities and discrimination, new forms of violence and diminishing resources to sustain the work of feminist and women's organizations, which, in short, constitutes an extremely risky and unfavorable environment that prevents them from working freely for equality, social justice, and peace.

However, their awareness of rights, thanks to centuries of feminist struggles, and their participation in various social movements is constantly growing. Moreover, the equality and women's rights agenda is gaining recognition in society. This means that, although defending human rights is a risky activity for Mesoamerican women and with many limitations, they are not willing to give up the rights they have won, and every day they create new opportunities for democracy, justice, and equality, which will only be fully possible when gender equality is achieved.

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<sup>44</sup> Méndez Gutiérrez, Luz and Carrera Guerra, Amanda; "Mujeres indígenas: clamor por la justicia. Violencia sexual, conflicto armado y despojo violento de tierras" (Indigenous Women: A Cry for Justice. Sexual Violence, Armed Conflict, and Violent Land Grabs). Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP, Community Studies and Psychosocial Action Team,), 2014.

## 5. Being a Woman Human Rights Defender in Mesoamerica: A Web of Obstacles to Overcome

Being a Woman Human Rights Defender in Mesoamerica entails permanent risk that threatens the life, safety and welfare not only of Women Human Rights Defenders (WHRDs) but also their colleagues, family, and the groups they support. Suffering threats, criminalization and assaults and being in a constant state of vigilance is part of their daily work. Addressing structural violence and systematic human rights violations that prevail in the region requires of WHRDs, their organizations and movements, a complex, exhausting and stressful task of listening, accompanying victims, and demanding justice.

In addition to the risk, threats and assaults stemming from their work as advocates, they must also contend with other types of violence and inequalities that are expressions of historical gender discrimination. For many, their work as WHRDs, far from garnering greater social recognition, results in exclusion and stigmatization.

In this context, WHRDs have to face obstacles and adverse conditions to be able to continue working. In 2013, IM-Defensoras consulted 70 women human rights defenders in El Salvador, Guatemala, Honduras and Mexico, who are members of national WHRD networks, to learn how they fare in terms of wellness and self-care, the results of which are



discussed in the publication “Travesías para pensar y actuar” (Crossroads of Thought and Action).<sup>45</sup> The results of this study allowed us to identify the conditions and the main obstacles that WHRDs face in their work.

Women’s activism in the region is marked by days of strenuous work well outside limits set by labor law, resulting in less time for rest, leisure and sharing with loved ones. Most WHRDs of the region only have the minimum employment benefits mandated by law, and lack access to health care that would allow them to address the negative health impact of their work. Six out of ten WHRDs receive no remuneration for their work.

In addition, most of the WHRDs in the region acknowledge that in order to perform their defense work they must take on double and sometimes triple work days, given the additional 4-6 hours they devote to domestic and care work.

The family is an area of great importance for WHRDs both as a site of emotional ties but also as a site of personal responsibility as per gender norms. Coping with partner violence, pressure from family to leave human rights work, and the stigma of not being a “good mother” are some of the obstacles faced by many WHRDs.

The ongoing violence, either directly or by exposure when accompanying victims of human rights violations, causes great damage to WHRDs’ physical and emotional health and energy levels. Added to this are horror stories lived or inherited from violent conflict, such as in Guatemala and El Salvador for example, or most recently in Honduras with the coup d’état, or in Mexico, with the ravages of the war on organized crime, leaving outstanding trauma and increasing the burden of pain and helplessness.

However, during the workshops organized by IM-Defensoras to promote self-care and

healing, most participants acknowledged that gender-based violence is normalized and that this serves to minimize or dismiss the violence they face.

As a result, 80% of the WHRDs in the region claim to suffer permanent or frequent stress due to their role as advocates. Because of stress, 43% live with chronic fatigue and 83% suffer muscle spasms.

Given this situation, WHRDs in the region recognize the need to promote sustainable activism and practices that invest in self-care and wellbeing within their groups and organizations. However, the daily crises stemming from violence and the lack of resources continue to hinder the use of such approaches. Seven out of ten WHRDs state that their organizations do not implement enough measures to promote self-care.

These are the conditions under which WHRDs carry out their work in Mesoamerica and face the diverse and numerous assaults presented in this report. Recognizing this situation is essential to developing holistic protection measures aimed at creating an environment conducive for WHRDs to carry out their work in defense of human rights with the guarantees that international law affords them and which governments, organizations and society must uphold.

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<sup>45</sup> IM-Defensoras; “Paving the Road for Freedom and Equality”; Mexico, DF, 2014. Available at: [http://www.justassociates.org/sites/justassociates.org/files/paving\\_the\\_road\\_for\\_freedom\\_equality\\_o.pdf](http://www.justassociates.org/sites/justassociates.org/files/paving_the_road_for_freedom_equality_o.pdf)

## 6. Attacks on Women Human Rights Defenders in Mesoamerica

### 6.1 Analysis of the Mesoamerican Registry of Attacks on Women Human Rights Defenders in El Salvador, Guatemala, Honduras, and Mexico

#### *Total Attacks and Repeat Attacks*

Between 2012 and 2014 IM-Defensoras recorded a total of 1,688 attacks on Women Human Rights Defenders in El Salvador, Guatemala, Honduras, and Mexico, of which 414 correspond to 2012, 512 to 2013, and 762 to 2014. This means that compared to 2012 the number of recorded assaults has almost doubled (45.7%).

This increase is also seen in some of the countries covered by the registry, such as Guatemala, Mexico, and El Salvador, as illustrated in the following table:<sup>46</sup>

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<sup>46</sup> It is important to note that the decrease in attacks recorded in some countries does not necessarily correspond with an actual decrease in attacks, but may be due to other factors such as decreased collective cases, specific circumstances, or the ability to keep records for the year in question.



Table 1

Country	2012	2013	2014	Total by country
El Salvador	51	16	55	122
Guatemala	126	194	313	633
Honduras	119	113	86	318
México	118	189	308	616
Regional total	414	512	762	1688

Source: Mesoamerican Registry of Attacks on Women Human Rights Defenders, IM-Defensoras

The increase in the number of attacks documented in the IM-Defensoras Registry, both regionally and in most countries, can be attributed to various causes. The first is the increased capacity of country teams to register incidents, as well as increased capacity of WHRDs to recognize the violence they face, thanks to efforts of various networks and organizations to equip them with tools and to continue “de-naturalizing” violence. The second is that, in countries such as Guatemala and Mexico, more cases of collective assault were reported in 2013 and 2014 than in 2012.<sup>47</sup> The third and most worrisome is that, unfortunately, the context of violence and attacks against WHRDs in the documented countries appears to be worsening.

Regarding repeat attacks,<sup>48</sup> in 2012 we observed that 60% of registered events were part of a chain or series of attacks; in 2013 that proportion was 53% and in 2014, 68%. The data show an upward trend in repeat assaults, which implies, in all registered years, a more

<sup>47</sup> By collective assaults we are referring to those that affected several people in the course of a single event. In 2012, 9.5% of the total number of registered attacks were collective, in 2013 this percentage was 13.4% and 17% in 2014.

<sup>48</sup> That is, they are not isolated or specific events but part of a chain or series of related assaults.

than 50% chance that a woman human rights defender who has been attacked risks it happening again.

Table 2

Number of Repeat Attacks throughout the Region, 2012-2014		
Year	Yes	No
2012	60%	11%
2013	53%	5%
2014	64%	4%

Source: Mesoamerican Registry of Attacks on Women Human Rights Defenders, IM-Defensoras



**Repeatedly Assaulted: The Case of Woman Human Rights Defender Martha Solorzano in Mexico**

Martha Solorzano is President of the *Asociación Esperanza contra la Desaparición Forzada y la Impunidad A.C.* located in San Luis Rio Colorado, Sonora. Her work has focused on denouncing corruption and human rights violations, including torture, carried out by municipal and state police in San Luis Rio Colorado. Because of her work, she has suffered threats and raids. Her son was also subjected to criminal proceedings instigated by municipal police who had previously been denounced by the woman human rights defender.

Given this situation, as of November 5, 2013, the *Secretaría de Gobernación (SEGOB)*, through the *Mecanismo de Protección a Personas Defensoras de Derechos Humanos y Periodistas (Mechanism to Protect Human Rights Defenders and Journalists)*, instituted a series of protective measures in support of the woman human rights defender, including the allocation of two bodyguards by the government of Sonora, but this order was only partially completed.

Evidence of this is that on October 1, 2014, the government of Sonora unilaterally decided to

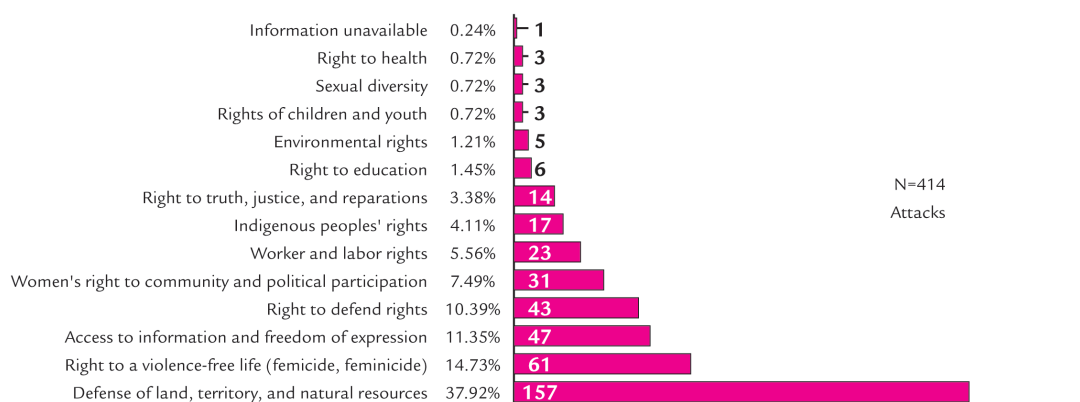








### Rights Defended at the Time of the Attack - 2012 - Regional

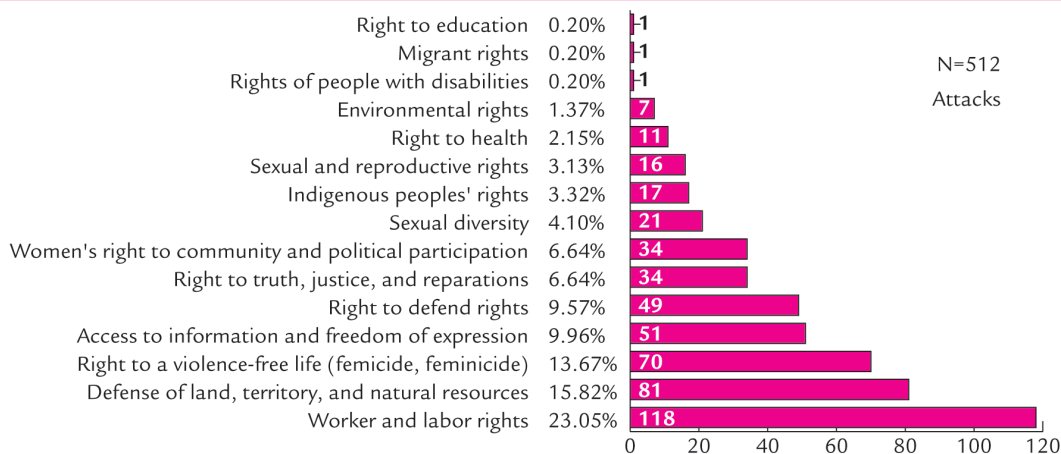


N=414  
Attacks

Source: Mesoamerican Registry of Attacks on Women Human Rights Defenders, IM-Defensoras

In conducting this same analysis for 2013, we must specify that the collective case of Guatemala (Case 1, Guatemala) – which was described in the section 3.4 of this report – impacts the overall picture. That is, the case significantly increased the percentage of women labour rights defenders attacked; of the 118 recorded attacks against this type of defender in the entire region, 113 correspond to Guatemalan defenders, thus marking a trend in this country. In other countries the same trends from 2012 continue in 2013, with women defenders of the land and territory suffering most attacks.

### Rights Defended at the Time of the Attack - 2013

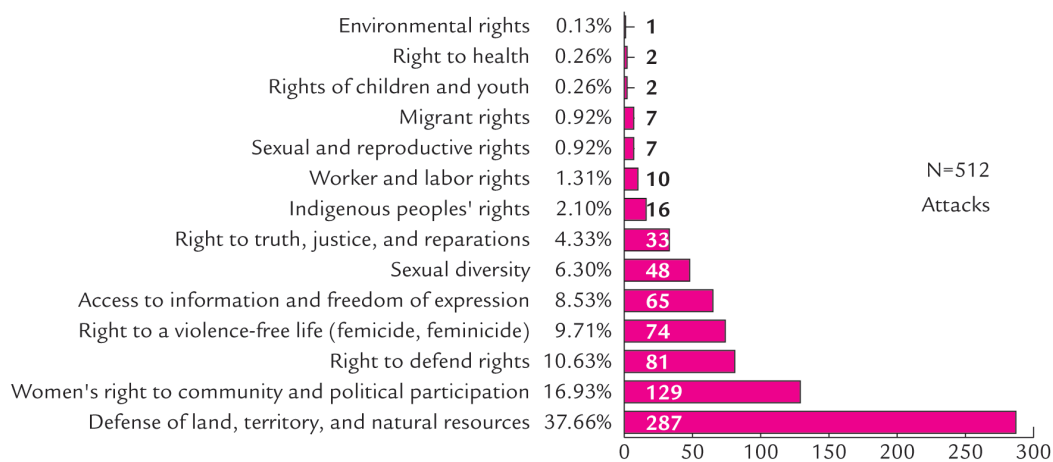


N=512  
Attacks



In 2014, the trend continues with women defenders of land and territory being the most vulnerable, suffering 38% of the attacks. The second highest number of attacks were perpetrated against those who defend the right to women's political and community participation, with 17%. In 2014 the categories that stood out in third and fourth place, respectively, are women who defend the right to defend rights (11%) and women promoting women's right to a life free of violence, particularly femicide / femicide (10%).

#### Rights Defended at the Time of the Attack - 2014



Other WHRDs who are also frequently attacked are journalists working for the right to information and freedom of expression (11.4% in 2012, 10% in 2013, and 8.5% in 2014) and those defending sexual and reproductive rights, including sexual diversity (0.7% in 2012, 7.23% in 2013, and 7.21% in 2014).<sup>54</sup>

Regional trends affect each of the countries featured in this report differently. From 2012-2014 data on the total number of attacks in each country show that in Guatemala and Honduras women defenders of the land and natural resources suffer the most assaults (40% and 51% respectively); in the case of Mexico it is those that promote the right to a life free from violence (20%); and in El Salvador those who defend the right to sexual diversity (37%).

Other significant country data regarding the rights defended by WHRDs who have been attacked include the following:<sup>55</sup>

- In Guatemala WHRDs working for the right to truth, justice, and reparations experienced the second highest percentage of attacks, at 21.64%.
- In El Salvador and Honduras a relatively high number of attacks were targeted against those

<sup>54</sup> The variation recorded in the number of assaults on women defenders of sexual and reproductive rights, including sexual diversity, can be attributed to the fact is that in 2012 our registry did not record attacks against this category of women human rights defenders. The considerable increase in subsequent years is an outcome of the improved documentation capacity and, more specifically, that in 2014 a collective case was recorded in El Salvador.

<sup>55</sup> These percentages are of total assaults recorded between 2012-2014 for each of the countries: El Salvador (122), Guatemala (633), Honduras (318), and Mexico (615).

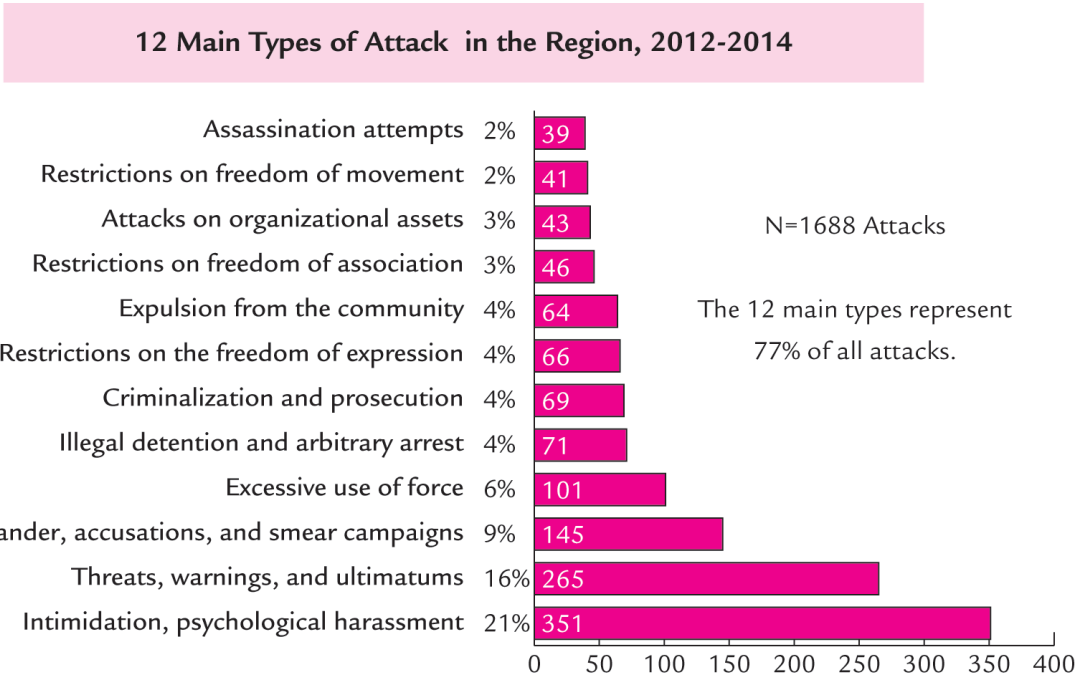




## Types of Attacks

### Most Common Attacks

The following graph shows the twelve main types of attacks registered by IM-Defensoras in the three years covered by this report:



Source: Mesoamerican Registry of Attacks on Women Human Rights Defenders, IM-Defensoras

The following six groupings were made based on the 12 main types of attacks experienced by WHRDs between 2012 and 2014:

- Intimidation and psychological harassment, representing 21% (351) of assaults registered between 2012 and 2014.
- Threats, warnings, and ultimatums, 16% (265) of attacks recorded between 2012 and 2014.
- Slander, accusations, and smear campaigns, 9% (145) of attacks between 2012 and 2014.
- Excessive use of force, 6% (101) of attacks recorded between 2012 and 2014.
- Arbitrary arrest and illegal detention, with 4% (71) of attacks between 2012 and 2014.
- Criminalization and prosecution, with 4% (69) of attacks recorded between 2012 and 2014.

In total, these six groupings represent 60% of the attacks suffered by women human rights defenders between 2012 and 2014.

## Attacks that Endangered the Lives of Women Human Rights Defenders

In the period covered by this report (2012-2014) we recorded 32 assassinations of women human rights defenders and 39 assassination attempts.<sup>59</sup>

The names of the women human rights defenders and the countries where they were assassinated are:

**MEXICO** (Total women human rights defenders assassinated during the period: 14)

2012 (8): **Agnes Torres Hernandez** (Trans Humana Nation), **Regina Martínez** (reporter, correspondent for the newsweekly Proceso), **Durvin Ramirez Diaz** (environmental activist, Universidad Intercultural del Estado de Tabasco), **Manuela Solis Martha Contreras** (El Barzón), **Juventina Villa Mojica** (Organización de Campesinos Ecológicos de la Sierra de Petatlán y Cuyuca de Catalán), **Renata – René Espinoza Rene Reyes** – (trans rights activist), **Edy Maria Fabiola Osorio Bernaldez** (Guerreros Verdes [Green Warriors]), **Carmela Elisarraráz Mendez** (Monarcas Libertad de Michoacán). 2013 (4): **Rocio Mesino** (Organización Campesina de la Sierra del Sur), **Irma Ascencio Arenas** (community defender), **Ana Lilia Gatica** (Organización Popular de Productores de la Costa Grande), and **María Concepción Martínez Medina** (feminist activist). 2014 (2): **Sandra Luz Hernandez** (advocate for the disappeared) and **Maria del Rosario Fuentes** (Valor de Tamaulipas).

**HONDURAS:** (total women human rights defenders assassinated during the period: 7)

2013 (2): **María Enriqueta Matute** (land rights advocate) and **Mireya Mendoza** (Asociación de Jueces para la Democracia). 2014 (5): **Margarita Murillo** (Foro Social del Valle de Sula), **Alma Janeth Diaz Ortega**

(peasant leader), **Uva Herlinda Castellanos** (Bella Vista peasant group), **Marlene Banegas** (public prosecutor), and **Patricia Eufragio Banegas** (public prosecutor).

**GUATEMALA:** (total women human rights defenders assassinated during the period: 10):

2012 (4): **Feliciano Raymundo Matom** (indigenous rights defender), **Feliciano Ceto Matom** (indigenous rights defender), **Petrona Moran** (land rights advocate), and **Saquil Sandra Najera** (land rights defender).; 2013 (4): **Blanca Rosa Gonzalez Munguia** (Comisión Coordinación de Mujeres de Xalapan), **Zuleta Kira Enriquez Mena**, **Santa Alvarado** (Sindicato Nacional de Trabajadores de Salud de Guatemala), **Lea Marie De Leon Marroquin** (criminal lawyer on high-impact cases); 2014 (2): **Patricia Samayoa** (feminist activist) and **Marilyn Topaz Reynoso** (land rights defender).

**EL SALVADOR:** (total women human rights defenders assassinated during the period: 1)

2013 (1): **Tania Vasquez** (COMCAVIS TRANS).

## Perpetrators and Type of Violence Exercised

Regarding the perpetrators of violence against WHRDs, state actors (aggregated) represent the primary agents responsible for attacks on WHRDs during the period 2012 to 2014. This trend is verified not only at the regional level but also in each country participating in the study.

In 2012, state actors (national / federal, state / provincial / departmental, municipal authorities, police, and military) represented 86% of the perpetrators responsible for attacks recorded. In 2013, the percentage for the same agents reached 77%, and in 2014 it was at 49%. If we aggregate the data for the all three years of data, and based on the 1,688 recorded assaults recorded in the region, these offenders are responsible for 66% of all assaults on WHRDs.

<sup>59</sup> The data presented here reflects cases of assassinations and assassination attempts of which we had knowledge, and not necessarily of all existing cases in the region for this period.



*On the same day, private media outlets, such as Nuestro Diario, reported that members of the resistance movement had retained a group of mine workers; although the judge found otherwise, these media disseminated false*

[illegible]

Finally, it is important to highlight the violence committed by actors within WHRDs' **immediate environment**, particularly by family members and/or the organization itself, which in aggregate for the three years represents 5% of assaults. This category of perpetrators in 2012 was responsible for 5% of the attacks, 4% in 2013, and 6% in 2014. While these are lower percentages compared to the total number of attacks, we consider it important to highlight them because when a WHRD is



attacked within her immediate surroundings she faces more challenges than when fending off attacks from external aggressors, such as state actors, as she does not have the necessary backing and support. Additionally, attacks from such aggressors have a significant impact on the conditions in which WHRDs do their work by limiting their empowerment.

The main types of attacks by the different types of perpetrators mentioned above are:

- State actors resorting mainly to excessive use of force, criminalization and prosecution, illegal detention and arbitrary arrest, torture, inhumane and degrading treatment, restrictions on freedom of movement and association, and home raids.
- Companies, using threats, warnings and ultimatums; psychological intimidation and harassment; criminalization and prosecution; and restrictions on freedom of movement.
- Perpetrators from the WHRD's close circle (family, community, and organization) relying mostly on the use of slander, accusations, threats, warnings, and/or ultimatums. At the family level there were also cases of partner and intrafamily violence, while in the organization there were cases of exclusion from decision-making spaces or expulsion from the organization.

### ***Attacks with a Gender Component***

In societies characterized by discrimination and gender inequality, being a woman human rights defender means challenging cultural norms and stereotypes that limit and challenge the political and social participation of women. It means undertaking the work of defending and promoting human rights in conditions of inequality, either because of the little social recognition of women's human rights defense work, the burden of domestic and care work performed by women, or the high rates of violence against women that inhibit, restrict, or impede their participation in public life.

It also means that the violence committed against them includes a gender component, that is, it takes on one of the various forms of

discrimination and violence against women motivated by their identity/gender.

Identifying the gender components of attacks is a complex process that requires a set of conditions that are not always in place at the time the attack is registered.<sup>60</sup> Therefore the data presented here relate only to those cases in which it was possible that one or more of these conditions were met, so it stands that there is a significant level of underreporting, which, we hope, will decrease as the registry system and methodology in this area is strengthened.

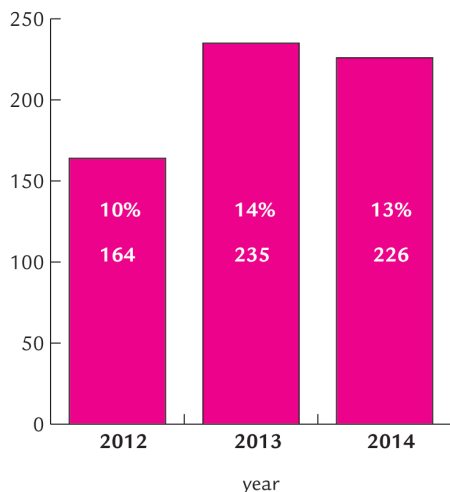
On average for the three years covered by the record, gender components could be identified in 37% of recorded assaults, which corresponds to about 625 attacks. Per year, this percentage was 40% in 2012, 46% in 2013, and 30% in 2014.

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60 a) For the women human rights defenders themselves to recognize the gender components involved in the attacks requires an awareness and sensitivity to gender from the defenders that will allow, for example, to reveal violence that is commonly normalized or minimized (such as sexual harassment, gendered stigmatization, etc.). b) Confidence to acknowledge attacks in situations that are not easy to confront (such as domestic or intimate partner violence, attacks from their immediate circle or the community setting or sexual violence). c) Complementary methodologies to enable, an in-depth analysis not only of explicit gender components contained in the attacks, but the forms in which persistent gender discrimination in the WHRDs environment determines the impact of the attacks and the capacity to confront them.



Number of Assaults with a Gender Component  
Regional 2012- 2014



The three main gender components identified in the attacks were:

- Threats, warnings and ultimatums that use sexist insults, threats of sexual violence or threats to one's family.

This is the component most commonly identified by the women human rights defenders, as it involves direct and explicit statements and accusations that are easily documented. The most frequently found in the registry were: use of the adjective "bitch" to insult the WHRD, threats of violent rape, and threats aimed at their children, which particularly affects women in their "role as mothers".

#### Testimonials



***"...degenerate, coward, dirty, depraved, your mother's ass hangs so far down she can't even fuck, if they don't catch the little slut I am gonna give it to her. Mentally retarded, failure, you'd be better off prostituting yourself..." (threat to a WHRD in Guatemala)***

***"Swine whore with hangs everywhere, and it stinks of shit in his bed with the drunken, which will pay more for sex" (threat received by a WHRD in Mexico)***

- Slander, accusations and / or smear campaigns that use gender stereotypes.

Various forms of expressions of the gender component were identified, all of them related to the glorification of gender stereotypes. The most frequent were: use of the word "bitch" as an insult, calling into question the leadership quality of the woman human rights defender and their capacity to defend human rights, and questioning their dedication to caring for their families. Another manifestation of this component is the perception by WHRDs that the attacks against them are more common because they are "weak" and / or that they are more likely to be attacked by the mere fact of being women.

#### Testimonials



***"The attacks were always directed towards (the woman human rights defender) and the smear campaigns focused on calling her a prostitute, a bad mother and other derogatory terms" (WHRD from Honduras)***

***"...there were three of us in the car, and I was the only one that was yelled at, intimidated, and vilified that way because of course I was the only woman" (WHRD from Honduras)***

***"As women we are insulted and sent to our homes and told to stop messing around" (WHRD from Honduras)***



***“Women should be at home preparing their ‘husbands’ meals, they don’t deserve to be here, their place is at home feeding their children”, “they are being mistreated, because they don’t take care of their home, then the spouses have to look for another wife because they do not comply [with their duties as wives]” (WHRD from Guatemala)***

● Attacks on organizations and Women Human Rights Defenders Working for Women’s Rights.

An analysis of the records shows that the attacks with gender components are aimed particularly toward organizations working to defend women who are victims of violence and organizations working for women’s rights, including sexual and reproductive rights. In these cases, the target of the attack is the WHRD’s work as it is related to promoting women’s rights and freedoms.

## Testimonials



***“In the region, the men reject all women’s organizational activity. They are constantly intimidated and assaulted. They are not allowed to participate in organized meetings” (WHRD from Guatemala)***

***“The risk analysis identified that intimidation occurs in the context of harassment by the husband (and his allied group of criminals in the region) of a woman sheltered at the refuge where the defender works” (WHRD from México)***

Other components found recurrently although in lesser number in the Registry were: sexual assault (rape and sexual touching) or reproductive, intimate partner and domestic violence, physical or verbal abuse and explicitly

referring to sexual identity, especially in the case of persons who are transgender, transvestite or transsexual and lesbian.

## Testimonials



***“...Of all three people arrested she was the only one who was fondled in the breasts and genitals” (WHRD from Guatemala)***

***“(the WHRD) was pregnant and she was not given any special attention during the time she was detained” (WHRD from Guatemala)***

***“the administrative detention came as a result of her fight for the custody of her children” (WHRD from México)***

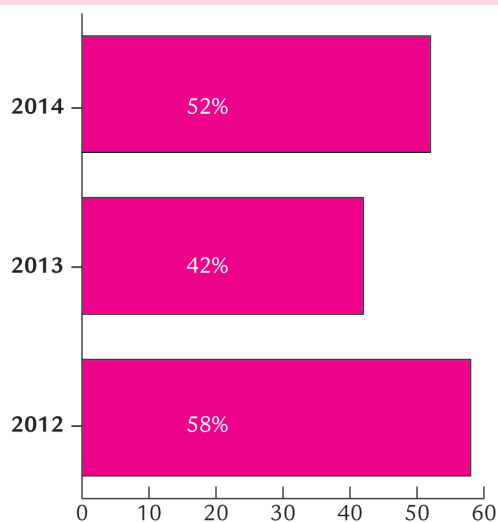
Whether gender components are identified or not in the attacks, it is important to say that gender discrimination sets the context in which such attacks occur. This means that the impact of the attacks and the conditions, strengths, and weaknesses to address them will be determined by the context, so it is important to conduct a deeper analysis in order to develop protective measures to promote the empowerment of women individually and collectively, so that they can address discrimination.

## Reports to Authorities

In 2012 52% of the records compiled by the IM-Defensoras mentioned that a complaint had been filed with the authorities for the attacks, a figure that dropped to 42% in 2013 and rose again to 58% in 2014.



Percentage of Attacks Reported  
2012-2014 - Regional



This means that, despite the high levels of impunity and historical constraints that women face regarding access to justice (discrimination, victimization, lack of resources to deal with the legal process, etc.), many women human rights defenders and organizations are filing complaints before the authorities regarding attacks against them, which raises the issue of the state's responsibility to respond to violence against WHRDs.

However, despite the fact that the high level of reporting creates greater government responsibility, denouncing the attacks has not resulted in the implementation of gender-sensitive protection measures, nor access to justice for WHRDs who suffered attacks.

In 17% of cases where an attack has been reported (147 of the 879 registered as reported) we had the opportunity to review qualitative information on the attacks and the outcome and / or process of the complaint. Although there is no detailed information about each one of these registered attacks that was reported to the authorities, it seems important to present the information on those records that provide information that may be useful to identify whether the complaints have produced results

or not, and if they have led to the development of any protective measures or brought justice for the WHRD.

Considering the above we found that:

● In 2012, 17% (37 attacks of 217 registered as reported) had not had a response from the authorities and 3% (7 of 217 attacks) of those same complaints had some kind of result that can range from the arrest of the accused to the establishment of some measure of protection.<sup>61</sup>

● In 2013 these percentages show that 21% (45 of 216 attacks with complaints) had no response, while 9% (20 of 216 attacks) did have some sort of response.<sup>62</sup>

● In 2014 these percentages were 6% (27 of 446 assaults with complaints) and 2% (11 of 446 attacks) respectively.<sup>63</sup>

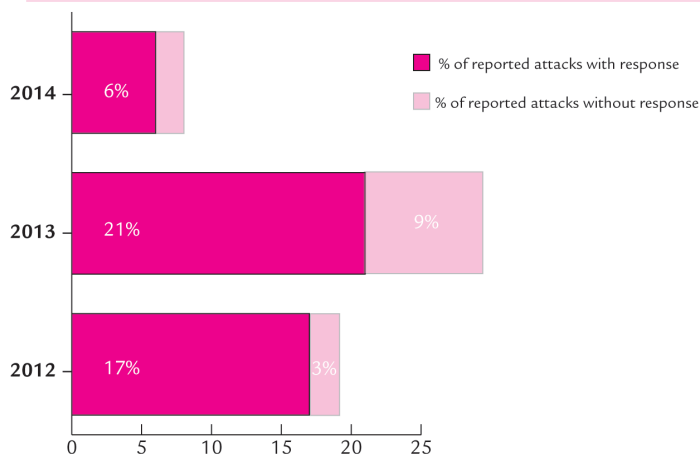
● The percentage of measures issued should be taken with reserve, since in many cases it is an extremely limited response which is neither appropriate for the type of threat nor does it bring justice (sanctions against the perpetrators, remedies). Most of them have to do with granting the WHRD hard security measures such as bodyguards and vehicles.

<sup>61</sup> The percentage only includes information on attacks which contained a more extensive explanation on the process or outcome of the complaint.

<sup>62</sup> Idem.

<sup>63</sup> Idem.

Percentage of Reported Attacks and their Outcome  
Regional 2012-2014\*



\*The percentages are of total attacks registered as reported for each year

***“They sent an army squad to canvass the area and ‘protect’ the population of (...) and the organization”***

***“After much difficulty the prosecution presented the case and the trial followed, arrest warrants were issued, but not executed, meaning the murderers are walking free in the community. The police say it is because they have no fuel”***

***“The NCP also took down the facts of the complaint, but let the aggressors go free despite the fact that they arrived in the middle of it”***

The following text box gives examples of some of the difficulties that WHRDs face when filing formal complaints.

***“The police caught the attacker, but the judge released him, fearing reprisals”***

***“The complaint was dismissed because the complainant is ‘biologically male’ and not ‘female’”***

#### Testimonials



***“We went to the Peace Court and the complaint went nowhere. Then we went to the Special Prosecutor for Women and the prosecutor summoned the people who attacked us. They came but what the prosecutor did was provide our information and documentation to the perpetrators so now they have all our names”***

***“Precautionary measures were requested from the Inter-American Court of Human Rights. They responded promptly and stated that the Government of El Salvador should establish protective measures for the women human rights defenders who work in (...). But still today these precautionary measures have not gone into effect, except for a few security measures on the premises of the Association”***

***“I filed domestic violence complaints three times and the police did nothing”***

## 6.2 Situation of Women Human Rights Defenders in Nicaragua<sup>64</sup>

Violence against women is widespread in Nicaragua and the response of public institutions has been quite limited. Women's and civil society organizations have organized into networks of women human rights defenders to take up the task of providing accompaniment and protection to those who experience violence within their communities. In the context of violence experienced by women in Nicaragua, the response of public institutions has been limited, being that women's organizations, civil society via WHRDs networks, are the ones who have generally taken on the support and protection to those living in situations of violence in the communities. A regional research project on the work of the Women's Unites, revealed the important role that WHRDs play in protecting women and promoting access to justice.<sup>65</sup>

Nicaragua, "the safest country in Central America", has faced various political and social situations in the last two decades that have affected the security of the population in general and women in particular. These scenarios include expansion of the maquilas / sweatshops; concessions of land and natural resources to transnational corporations (timber and mining); increased drug trafficking and

organized crime activities; and noticeable changes in policy frameworks that protect the right of women and girls to a life without violence (such as the reintegration of mediation in cases of partner violence). All of this has resulted in increased vulnerability for women and the normalization of rights-violations in their communities and the country.

This has also meant an increase in the risks for those defending women's rights. According to research conducted by PATH / InterCambios in 2012,<sup>66</sup> in Nicaragua one out of three WHRDs had been threatened or attacked because of her work in support of women and denouncing situations of violence against women, a figure that increased to 43% when the WHRD was from a women's organization.

The data presented below is from the Assessment of the Situation of Women's Rights Defenders in Nicaragua, which was conducted by the organizations that make up the Nicaraguan WHRDs Initiative. It includes risks and challenges that Nicaraguan women human right defenders face during their accompaniment of communities. The study used diverse methods (qualitative and quantitative), including an online survey of 108 WHRDs, conducted at the end of 2013, and focus groups with 112 community-based WHRDs from Caribe Norte, Chinandega, Jinotega, Esteli, Leon, Madriz, Managua, Matagalpa, and Nueva Segovia. Most survey respondents and all focus group participants in the focus groups have had defended rights at the community, local, and/or national level. This document also provides information on relevant attacks that occurred in 2015.

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<sup>64</sup> Section prepared by the Iniciativa Nicaragüense de Defensoras. As reported by both the IM-Defensoras registry's data on attacks and this study on the reality of the women human rights defenders in Nicaragua, one can find many similarities in the data on both situations of life and self-care, the characteristics of the attacks and the main assailants. It will be very enlightening for the registry to incorporate the reality of Nicaraguan WHRDs, as it will offer a more comprehensive regional overview of the violence faced by WHRDs in their search for a fair and democratic environment for all.

<sup>65</sup> D'Angelo, A. ; "Acceso a la justicia para mujeres en situación de violencia"; InterCambios /PATH, Centro de la Mujer Peruana Flora Tristán, the Movimiento Manuela Ramos (Peru), the Núcleo de Estudios de Género at Universidad de Capiñas (PAGU/UNICAMP – Brasil) and the Centro de Planificación y Estudios Sociales (CEPLAES) Ecuador. Managua, 2010. [www.endvawnow.org/uploads/browser/files/MAPEO%20Spanish.pdf](http://www.endvawnow.org/uploads/browser/files/MAPEO%20Spanish.pdf)

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<sup>66</sup> InterCambios / PATH; "Las comunidades trabajan por la vida de las mujeres: análisis de la respuesta comunitaria ante la violencia en contra de las mujeres" (Communities Working for the Lives of Women: Analysis Managua, 2012. <http://www.alianzaintercambios.org/noticia?idnoticia=72>

## Profiles of Nicaraguan WHRDs

### Testimonials



***“We learned how to break the cycle of violence and assert ourselves as women.***

***We are more humane, we have more awareness. Looking back to 30 years ago, you see a woman being killed, and...***

***nothing. Now if I see a woman being mistreated I will intervene even if it means they will blow my head off” (WHRD from Chinandega)***

Nicaraguan WHRDs undertake a diverse set of actions in their defense of women’s rights such as: accompanying women through the process of seeking justice, publicly denouncing rights-violations, and workshops and discussions aimed at raising awareness.

**Derechos que defienden**  
A UNA VIDA SIN VIOLENCIA  
SEXUALES Y REPRODUCTIVOS  
NIÑAS Y ADOLESCENTES  
POLÍTICOS  
DIVERSIDAD SEXUAL  
PATRIMONIO  
LABORALES  
CAPACIDADES DIFERENTES  
AMBIENTALES (MINERÍA, AGUA,  
BOSQUES)  
A LA TIERRA  
INDÍGENAS  
AFRO-CARIBEÑAS

WHRDs highlighted activities related to the defense of women’s and children’s rights, as well as caring for their own family. They often support not only their children, but also their mothers, brothers, and other extended family. Their main challenge is the lack of time, which they split between supporting those who live with violence and taking care of their own personal lives.

WHRDs often use their own resources to offer support, security, and protection for women, adolescents, and children who experience violence. Of the 108 WHRDs surveyed, two out of four spoke of performing unpaid defense work (38.5%), and 62% reported that although they receive a salary, they also volunteer their time.

The support they provide takes on different forms. Three in four (88%) help with their own resources, including: staff time, telephone calls, transportation, accommodation for the victims and their children, and photocopies.

### ¿Cómo apoyan a las mujeres? (Porcentaje - N:108)



71% of respondents have suffered some negative health effects related to stress and fatigue (back pain, headache and anxiety). Among those who reported health problems, one in three (37%) is not receiving any treatment.



## Obstacles in Defending Women's Rights

**Community.** Several factors limit and discourage women from denouncing and confronting the violence they face which are also obstacles for WHRDs' to defend women's rights. Some examples are: the lack of support networks; the normalization of violence against women and girls, often prompted by religious leaders' positions (who advise women victims of violence to "endure" it); threats, criticisms, and accusations against the victims and their supporters. Another obstacle is the presence of community leaders of the ruling party that prompt women to engage in mediation processes with their attackers, thereby discouraging them to file complaints and to seek help in centers run by women's or civil society organizations.

**Government Institutions.** Impunity is mentioned as a constant. In an environment influenced by partisan politics, situations of delayed justice have led the justice system to be labeled as "ineffective" Other common practices include the rejection and disrepute of women's and civil society organizations, public officials' refusal or fear to coordinate joint actions with women's organizations, and the closing of spaces for exchange, such as the Municipal Commissions for Children and for the Prevention of Violence.

In addition to this, permits for protests and public demonstrations in defense of women's rights have been denied and, for two consecutive years (2014 and 2015), riot squads have blocked women's peaceful marches.

**Organized Crime.** The situation is more complex in the areas along the Caribbean coast, where organized crime and drug trafficking are part of the context of risk in which women human rights defenders live.

## Testimonials



*"Young girls in the area are being trafficked for sexual and labour exploitation, loggers not only move wood but also girls 'bought' in various communities. (...) Also the officially established authorities of the community sometimes protect the perpetrators and the institutions don't do anything because everyone is participating. We had to confront drug traffickers and loggers" (WHRD from Waspam)*

This context of hostility against those who defend women's rights is also faced by those who denounce the abuses and environmental risks caused by mining and timber.

## Attacks and Main Perpetrators

The main forms of attacks are smear campaigns as well as verbal harassment or by phone (SMS or voice), threats, and anonymous notes. Threats and attacks are aimed not only at WHRDs, but also their families (18%), personal property (21%), and the organizations that support them.

## Testimonials



*"(...) they killed the Pelibuey sheep, destroyed the fences, and are constantly threatening her. She is also under threat from two rapists who roam free. She walks alone, she lives only with her daughter and her son" (WHRD from Malpaisillo)*

In addition, one in three (27%) has been the victim of partisan violence.



## Testimonials



***“You have to have permission from the FSLN party’s political secretaries to organize activities. (...) In Somotillo, I was a victim of institutional violence, City Hall had awarded me a scholarship and when I got involved as a human rights advocate, they took it away. The FSLN political secretary of Chichigalpa summoned me and my sister and challenged my involvement with the women’s movement because they are against the party and the government. They told me to stop, otherwise I would regret it” (WHRD from Chinandega)***

The shutting down of broadcasting spaces is another form of attack on women’s and civil society organizations. Feminist broadcaster Radio Mujer (“Radio Woman”) in the city of Jalapa had its Telecommunications and Mail Institute shut down in August 2015.

## Testimonials



***“These officials arrived unannounced on Friday, saying they were inspecting the radio. Today we were surprised that in addition to arriving without notice or showing us any documentation, we were told that we were operating on an unauthorized frequency; but also without any reason, they proceeded to take all the equipment, dismantling the radio. If there is a problem with the frequency, turn the radio off and that will solve it, but there was no reason to take the equipment” (Nueva Segovia - La Prensa. June 1, 2015)***

These attacks have multiple impacts. The WHRDs interviewed identified the following side effects: fear, insecurity, helplessness, and sadness associated with possible harm to their sons/daughters and family. They have also limited their activities for fear of being attacked and have been forced to reduce public appearances as a protection mechanism.

Members of the ruling party and government officials are identified as the main perpetrators of attacks against WHRDs. Together they are responsible for 80% of attacks, followed by the attackers or relatives of the attackers of the victims that WHRDs accompany and defend.

## Testimonials



***“I live in fear, especially when I am told that I should worry about my family... I’m afraid they will involve my family. I do my best to overcome my fear and find strength to keep going” (WHRD from Chinandega)***

## Complaints

WHRDs’ primary response to threats and attacks has been to denounce them publicly at the national and international level. Followed by “not doing anything” (23.21%) because an attack was not considered relevant. Only 9% reported to have filed a complaint with a state institution, reported as a negative experience for all WHRDs who made the complaint.





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## Testimonials



*“We have filed a complaint with the National Police but did not proceed because in the marches we were attacked verbally and physically and the police did nothing. (...) We have taken steps such as placing banners in front of the police, the courts, and on the streets, we have denounced it on the radio, we have shared among ourselves and our families and the general response is: ‘Stop that, do not get involved, we’re going to be in danger if you keep doing that, you’re in danger’” (WHRD from Matagalpa)*

Nicaraguan WHRDs play a crucial role in protecting and defending the rights of women in their communities, especially in remote areas. Given the context of widespread impunity, WHRDs are vital in publicizing the human rights violations and promoting access to justice. Therefore, greater recognition and public visibility of attacks against WHRDs is needed, and it is crucial to ensure greater safety and security for all those who defend the rights of women and girls in Nicaragua.

## 7. The Impact of Criminalization on Women Human Rights Defenders

The types of attacks and perpetrators who harm human rights defenders have been changing over time; however, intolerance and reactionary state violence toward the act of defending human rights have not gone away. There was a moment at the end of the 20th century when states wrapped themselves in the human rights flag. However, the events of 9/11 were enough for old ghosts to return under the guise of the anti-terrorism discourse.

In Mesoamerica this change was not as sudden as in other countries, since processes of “democratization” were appropriated with the objective to shake things up but change nothing. In this way, the intolerance of broad swathes of society toward women who advocate for women’s rights, sexual and reproductive health, and ending patriarchy has remained constant. The same goes for those who defend the right to land, territory and a healthy environment, or those who seek truth and justice for grave human rights violations, who are also constantly at risk.

Moreover, recent years in the region have shown us that barbarity can return with new forms of repression against social protest and human rights defenders. As in the past, the number of murders of human rights defenders is too high to be tolerated. In Mexico and Honduras, the assassination of journalists, legal professionals, and human rights defenders has become the norm.

In contrast to what happened in the 20th



century, governments and a set of private actors are now resorting to criminalization as a means of “eliminating” the adversary, a strategy that has proven to be as effective as assassination. Data from the IM-Defensoras Registry indicate that between 2012 and 2014, 246 acts of criminalization were reported, which constitute 14.6% of the 1,688 registered attacks.

We define criminalization as “the arbitrary use of the law, the threat of using it, or the stigmatization of acts, ideas, and proposals of human rights defenders”.<sup>67</sup> This refers to a phenomenon in which state and non-state actors join forces to stop the actions of a group of people who are defending human rights by using the judicial system and deep-rooted stereotypes within society against the leadership of key people in human rights movements.

How criminalization takes place, and against whom it is applied, largely depends on the country or regional context. In Mesoamerica we have observed how the so-called “War on Drugs” carried out by Felipe Calderón Hinojosa, President of Mexico from December 2006 to November 2012, and subsequently replicated in the Northern Triangle of Central America,<sup>68</sup> spread the idea that the communities and human rights movements were the threat. The changes in government in Mexico and the region have not altered attitudes towards human rights defenders.

In Mexico, the struggles of mothers and fathers of the disappeared during the “War on Drugs” and communities’ attempts to protect themselves against drug trafficking-related violence and state violence have been interpreted as actions against the State. In the Northern Triangle, activism to defend the right

to land, territory, and a healthy environment, and to seek truth and justice, have been interpreted as cast as criminal acts of terrorism. This was done by appealing to the concept of illicit association – based on recently passed national laws created to comply with the Palermo Convention<sup>69</sup> – to justify the hard-handed use of the law.

An emblematic example is the detention of **Nestora Salgado**, grassroots WHRD from Olinalá, Guerrero, in Mexico, who was accused of organized crime and imprisoned on August 21, 2013 as a consequence of her activities defending the right to life and security of her community. Despite the First Unitary Tribunal of Chilpancingo’s revocation of the detention order in March 2014, Ms. Salgado remains imprisoned through multiple legal processes that accuse her of committing same crime of which she had been absolved. During her detention she has been tortured, mistreated, and abused.

As can be seen in the following graphic, Mexican women human rights defenders have been experiencing a gradual increase in criminalization, while in Guatemala and Honduras the pattern goes up and down. El Salvador has a different trend, given that criminalization has been reserved for women defenders of sexual and reproductive rights, particularly those who aim to legalize abortion.

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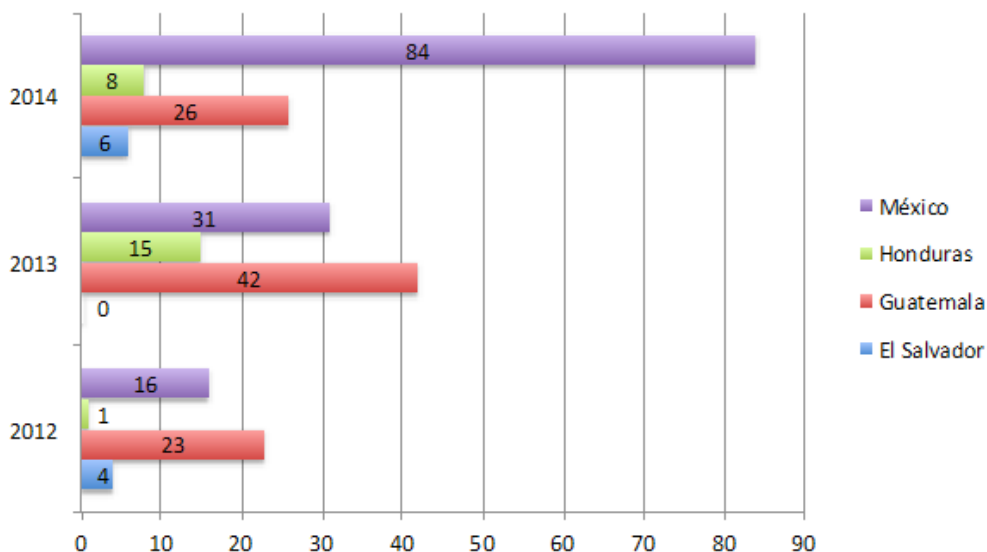
<sup>67</sup> Definition used by Latin American organizations before the Inter-American Commission of Human Rights since 2004. It is hoped that this definition will be made official in the Commission’s upcoming report on the topic.

<sup>68</sup> The Northern Triangle of Central America refers to three Central American countries – Guatemala, Honduras, and El Salvador – which have formed an economic bloc.

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<sup>69</sup> The Convention Against Transnational Organized Crime or Palermo Convention obligates States which have ratified it to modify their criminal codes and rules of criminal procedure to include or modify crimes such as illicit association and to establish the possibility of special, invasive mechanisms of investigation such as telephone tapping.

## Criminalization by country, 2012 - 2014



There are three different types of criminalization:

- **Slander, accusations, and smear campaigns**, which take aim at women human rights defenders' condition as women and their sexuality to discredit them by using terms such as "puta" (prostitute), "easy woman", "adulteress," "hysterical" and "lesbian".

- **Stigmatization, segregation and ostracism**. In the region, WHRD leaders are commonly stigmatized as heads of criminal operations, "behind-the-scenes operators of everything that goes on", and as objects of manipulation by criminal or foreign interests since "a woman can't think on her own", much less if she is an indigenous woman. In the gravest cases, WHRDs have been segregated and removed from their organizations and communities as a "protective measure".

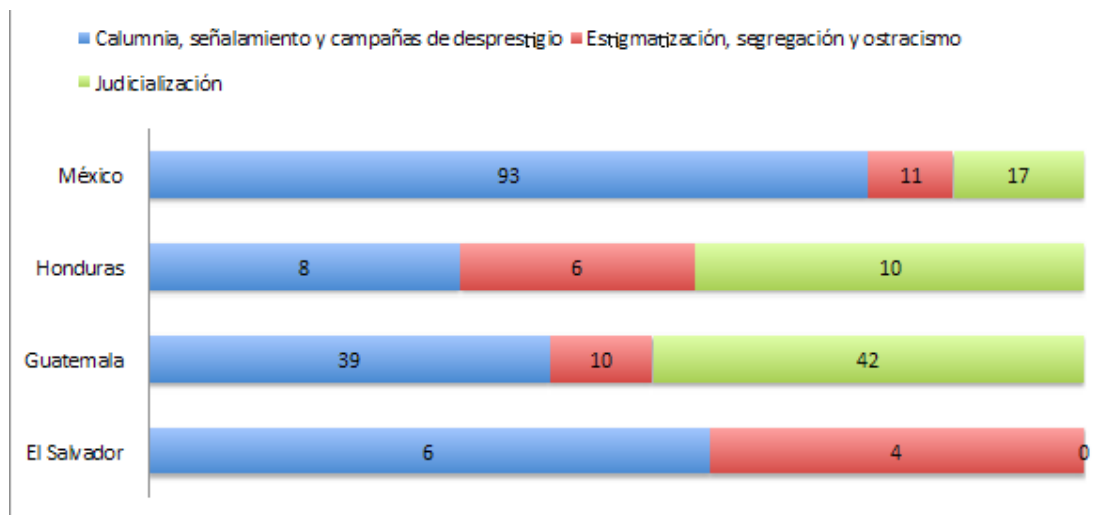
- **Judicialization**, which consists of filing complaints against WHRDs, which are processed by the public prosecutor, who orders the arrest and subsequent criminal prosecution. Charges tend to be related to laws on organized crime (kidnapping, illicit

association, murder) or anti-terrorism (sedition, threats to national security, or terrorism).

The following graphic shows that slander, accusations, and smear campaigns are the most common in the region. These pave the way for judicialization, which has primarily affected WHRDs in Honduras and Guatemala.



## Acts of criminalization by country, 2012 - 2014



Criminalization processes have different impacts on the WHRDs, which we have begun to document during this monitoring period and which we hope to explore more deeply and report upon in the future.

Criminalization affects the family life of WHRDs, given that the family's first reaction to the slander and defamation is to try to force the WHRD to quit her work. In extreme cases, the WHRD is the victim of domestic violence by her partner, parents and/or siblings. In this way, the WHRD must defend herself not only from external attacks but also from violence in her private life. The result tends to be isolation and self-segregation from spaces where violence occurs. Her self-esteem will plummet if the situation of slander and defamation are not countered through the support and protection of other women, the community, or the organization.

Slander also affects the dignity and self-perception of the WHRD and her relationship with other women. The majority of the WHRDs have not fully developed their consciousness of how patriarchy oppresses them, nor have they discussed what form this kind of violence takes in their own context.

Thus, when they are accused of "alleged" promiscuity or lesbianism, they tend to react with moralistic rejections of the accusation, generating negative discourse against sex workers, lesbians, and women who have chosen not to confine themselves to celibacy or monogamous relationships. In this way, attacks against one woman multiply into attacks against other women.

Slander brings about ostracism and segregation as well. In the region it is common to hear statements such as, "It is better not to invite or include such-and-such defender because she is 'very difficult'". It can also promote stigmatization, as in cases where defenders of the right to land and territory are stigmatized as "usurpers, liars, and violent people".

Slander and stigma can come from state and non-state actors alike when confronted by human rights movements, as well as from members of their own organizations, and not necessarily only men. When taken as truth, a conducive environment is created for justifying government acts of judicialization against the WHRDs.

It was acts of slander and stigma as described above that led respected and long-standing indigenous leaders such as **Berta Cáceres**, leader of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH, Civic Council of Popular and Indigenous Organizations of Honduras), to be accused of slander and defamation by the state, in addition to other unfounded charges filed against her such as illegally carrying a weapon.

Stigma and slander can also be used to generate divides in the organizations where WHRDs work, as in the case of **Yolanda Oquelí**. She and five others from the resistance movement of 'La Puya' in Guatemala were accused of allegedly attacking mine workers in 2012. At the time of the accusation, the judge decided to liberate her on the grounds that women are weak and that Oquelí could not have been capable of lifting a machete. This action constituted a second aggression against the WHRD as her liberation was based on a sexist insult; on the other hand, her community began to distrust her on the suspicion that the judicial decision was because of a deal she had cut with the mining company.

Judicialization processes which result in pre-trial detention for the WHRDs have the most specific impacts on them. Usually, when a man is detained for the same reason his family comes to his defense and, in many cases, his wife and daughters become human rights defenders. When the detention of a woman is ordered we have seen that her family does not stand by her side; in many cases they refuse to care for her children and, if they do, the message the children receive is that it was their mother's fault.

Prisons in the region have hundreds of problems having to do with overcrowding and controlling organized crime within prison walls. Both men and women human rights defenders must contend with all of these problems while detained. Women face the risk of sexual violence in jail; this, together with other forms of cruel treatment and torture,

constitutes a gender-specific form of violence that WHRDs are more likely to suffer than their male counterparts.

From the moment she was transferred to a maximum security prison, **Nestora Salgado** was subjected to psychological torture; while incarcerated, the light in her cell was left on for various days. When her family members and lawyers demanded that she receive health care and the IACHR issued Precautionary Measure 455/2013 on her behalf, needles were injected in her back on several occasions without informing her what was being done, thus causing her pain and uncertainty.

Nestora went on a hunger strike in an attempt to confront the injustice she was facing while detained despite being innocent. Although she managed to get transferred to a less brutal detention center, the strike caused her irreversible physical and psychological damage.

The case of this WHRD illustrates how criminalization is used against a woman whose leadership transgressed stereotypes and gender roles in a region where male chauvinism and patriarchal violence had excluded women from participating in local decision-making spaces. Her work upset economic and political interests, resulting in the fabrication of documents which are being used to keep her in prison.

Judicialization processes which go on for years, gradually erode the WHRD's leadership, credibility, and self-esteem if specific protection measures are not taken. In contrast to what can happen with other types of attacks, in such cases an urgent alert or letter of support does not resolve the problem. Defamation, stigma, having to undergo a judicial process or isolation while imprisoned are like water falling drip by drip on a stone. That is why criminalization is being used ever more frequently by state actors, whether by their own initiative or through collusion with non-state actors, because they are rarely held accountable for the consequences of their actions.



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It is crucial to strike at the root of this strategy to undermine WHRDs. Although WHRDs can access mechanisms for self-protection and mitigation once criminalization is underway, nothing can stop slander and defamation that brings the threat of imprisonment.



## 8. Protection of Women Human Rights Defenders

### 8.1 How to advance the construction of governmental protection mechanisms for WHRDs

#### *The obligation of the state is to protect human rights defenders*

Resolution A/RES/53/144 of the General Assembly of the United Nations which approved the “Declaration on the rights and responsibility of individuals, groups, and organs of society to promote and protect universally recognized human rights and fundamental freedoms” (hereafter the Declaration)<sup>70</sup> was first introduced in 1984 and approved by the General Assembly in 1998, as part of the fiftieth anniversary of the Universal Declaration of Human Rights.

According to information from the UN Office of the High Commissioner for Human Rights, one of the main reasons for approving the Declaration and subsequently the mandate for the Special Representative of the Secretary General on the situation of human rights defenders<sup>71</sup> was the “severity and scale of reprisals committed against

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<sup>70</sup> More information at: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

<sup>71</sup> In April 2000, the United Nations Commission on Human Rights asked the Secretary General to name a Special Representative on the situation of human rights defenders in order to monitor and support the implementation of the Declaration.

defenders”.<sup>72</sup> Several actions were also proposed to strengthen the legitimacy of human rights defenders within states, to define the defense of human rights as a right within itself and to recognize the people who work for these rights as “human rights defenders”.

Moreover and in a complementary manner, over the past decade the General Assembly of the Organization of American States has spoken on numerous occasions about the importance of protecting human rights defenders, and has shown concern for them and their organizations.<sup>73</sup>

The obligation of states to protect human rights defenders includes both preventative and proactive elements. That is, on the one hand the state should refrain from violating human rights and, on the other hand, the state should act with due diligence to prevent, investigate and punish any violation of the rights enshrined in the Declaration.

In particular, the state’s duty to protect human rights defenders is evident in the preamble to the Declaration, as well as in Articles 2, 9, and 12. For example, Article 12 declares that “The State 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”.

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<sup>72</sup> United Nations Human Rights. “Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29”. <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

<http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>

<sup>73</sup> On June 8, 1990 in resolution AG/RES.1044 the General Assembly “reiterated the recommendation made in prior years to the governments of the member states that they grant the necessary guarantees and facilities to enable nongovernmental human rights organizations to continue contributing to the promotion and protection of human rights, and that they respect the freedom and safety of the members of such organizations”

The Inter-American Court of Human Rights has recognized that respect for human rights in a democratic state depends largely on the effective and adequate assurance that human rights defenders can carry out their activities freely; and that, to this end, states must grant effective and adequate guarantees to human rights defenders and pay particular attention to actions that limit or obstruct the actions of women.<sup>74</sup>

In responses to this obligation, the Inter-American Commission on Human Rights (IACHR) has established that in order for a protection program to be effective, meaning that it produces the expected results, it must be backed by a strong political commitment from the state. It should also form part of a national human rights plan adopted as a policy priority at all levels of government, guarantee that the State assign adequate human, financial and logistical resources to implement measures to protect the lives and physical integrity of defenders, noting that such measures should be in effect as long as necessary and that they should be agreed to in consultation with the defenders in order to guarantee their relevance and allow them to continue with their activities.<sup>75</sup>

For its part, the United Nations High Commissioner for Human Rights has claimed that “adequate protection requires a comprehensive and transversal policy from Governments to establish an appropriate 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”.<sup>76</sup>

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<sup>74</sup> IACHR. <http://www.icnl.org/research/resources/assembly/oas-human-rights-report.pdf>. Para. 144

<sup>75</sup> *Ibid* Para. 133.

<sup>76</sup> Report presented by Hina Jilani, Special Representative of the Secretary-General on human rights defenders. Para 45 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/Go6/103/68/PDF/Go610368.pdf?OpenElement>

## ***The gender perspective in government protection mechanisms***

WHRDs throughout the world have highlighted the need to promote a holistic understanding of protection that goes beyond physical security<sup>77</sup> and responds both to violations committed by the state and by other actors, against which authorities have often failed to provide adequate protection.<sup>78</sup>

For WHRDs, the obligation to protect and the principle of non-discrimination are closely linked. Article 3 of the Convention on the Elimination of All Forms of Discrimination against Women states that “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.”<sup>79</sup>

While the attacks and obstacles that WHRDs face in carrying out their work are always changing and vary from one context to another, the violence that they experience cannot be separated from the experience of discrimination that all women face, to a greater or lesser extent, simply because they are women. Those who accompany WHRDs have recognized that violence against women, a product of discrimination, can have a greater effect on paralyzing and inhibiting the WHRD than other forms of aggression, because it is characterized by blaming and shaming, normalizing or justifying acts of violence,

ignoring women’s voices when they report abuses and isolating women from their family, work, or community.

Recent experiences in creating governmental protection mechanisms in Mexico, Guatemala and Honduras have evidenced the androcentric vision and lack of perspective on women’s human rights, resulting in an undifferentiated understanding of the nature of the risks, their features, impacts and needs for protection for WHRDs.

The demand that governmental protection mechanisms incorporate a women’s human rights perspective and respond to WHRDs in a particular way does not stem from the fact that these women face more or less aggression than others, but because the nature of attacks, the fact that they are occurring, that they can occur, and that their impacts and consequences are different from attacks on men, requires a differentiated approach.

For all of these reasons, state-sponsored mechanisms must incorporate security and protection with a gender perspective. This means that planning and implementing these measures “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.”<sup>80</sup>

The importance of protection from a gender perspective was recognized by the international community at the 2013 General Assembly of the United Nations with signing of the “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized

<sup>77</sup> Barcia, Inmaculada; “Our Right to Safety: Women Human Rights Defenders’ Holistic Approach to Protection”; AWID and Women Human Rights Defenders International Coalition; 2014

<sup>78</sup> United Nations Human Rights. “Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29”. <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

<sup>79</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>80</sup> Barcia, Inmaculada; “Our Right to Safety: Women Human Rights Defenders’ Holistic Approach to Protection”; AWID and Women Human Rights Defenders International Coalition; 2014. Pg. 12

## Human Rights and Fundamental Freedoms: protecting women human rights defenders”

This resolution recognizes the contributions of women, and those that dedicate their lives to the defense of women’s rights and gender equality, in the promotion and protection of human rights, and it expresses particular concern for systematic and structural discrimination and violence faced by WHRDs. It also establishes various responsibilities of the state, including: ensure legal provisions and internal administrative measures that support the work of WHRDs and do not criminalize them; develop measures to dismantle sociocultural patterns that result in violence against women; and develop measures to ensure the protection of WHRDs that incorporate a gender focus.<sup>81</sup>

Based on the above, some of the main features that government protection measures with a gender perspective should have are:

- **Risk analysis with gender indicators.** In order to ensure a proper assessment of the level of risk faced by WHRDs and the types of measures needed to address them, it is necessary to conduct a risk analysis that includes gender indicators and a methodology consistent with international best practices in this area. In the same vein, it should consider developing an independent risk analysis, conducted by qualified professionals and organizations trusted by the WHRD. The WHRDs that access government mechanisms should be fully involved in both the definition of risk as well as the identification of appropriate protection measures.

Furthermore, mapping of aggressors and risk factors should be conducted in order to identify whether state or non-state actors are the perpetrators, as well as the types of threats

and attacks that are reported. The absence of such an understanding negatively impacts the design of prevention and protection measures for WHRDs.

- **Investigation of attacks and full access to justice for WHRDs.** An important element of protection that has not been fully integrated into existing measures in the region, but that should be one of the main obligations of the state, is the investigation of attacks. Punishing those responsible is not only one of the demands of WHRDs at risk, but it is also a powerful deterrent for further attacks.

It is not possible to reduce risks without exposing and addressing the obstacles that WHRDs face when filing complaints with state authorities, without highlighting the state of impunity in which many of the complaints remain, and without designing investigation protocols with a gender focus that integrate international standards and existing protocols on violence against women.

- **Qualified personnel.** It is necessary to train the personnel in charge of implementing government mechanisms in women’s rights and gender, ensuring that they are sensitive and committed to equality between men and women; and to define mechanisms to prevent and address discriminatory acts that such personnel may commit against the WHRDs.

- **Preventative actions.** Existing government protection mechanisms have also failed to adopt preventative measures that reduce attacks against WHRDs and that generate adequate conditions in which they can carry out their work without fear of reprisal and with full social acceptance. This demands public displays of recognition for the work of WHRDs, rejection of all forms of discrimination and violence against women, effective forums for dialogue, and allocation of public resources to support the development of their work, among others.

Finally, various analyses and declarations by civil organizations have highlighted elements that these mechanisms must include and that are necessary for operating from a gender

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<sup>81</sup> General Assembly of the United Nations; Promotion of 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: protecting women human rights defenders: <http://www.gender.cawater-info.net/publications/pdf/n1345031.pdf>

perspective, such as: allocation of adequate resources,<sup>82</sup> cooperation between federal and state authorities and collaboration with local authorities in the implementation of protective measures.<sup>83</sup>

Holistic protection for human rights defenders with a gender perspective and an emphasis on WHRDs is a complex task that presents major challenges for civil society, states and protection mechanisms. It is therefore necessary to continue the analysis of existing measures, placing the needs and proposals of WHRDs at the center.

**“The demand that governmental protection mechanisms incorporate a women’s human rights perspective and respond to WHRDs in a particular way does not stem from the fact that these women face more or less aggression than others, but because of nature of attacks, the fact that they are occurring, that they can occur, and that their impacts and consequences are different from attacks on men, requires a differentiated approach.”**

<sup>82</sup> Peace Brigades International – Mexico Project; “A Panorama of the Defense of Human Rights in Mexico: Initiatives and Risks of Mexican Civil Society”; April, 2013. Pág. 11.

<sup>83</sup> Declarations of the Red Nacional de Defensoras de Derechos Humanos en México.

## 8.2 Protective networks for women human rights defenders<sup>84</sup>

The context of exclusion, discrimination and gender inequality experienced by WHRDs means that many of them do not have strong local safety networks to rely on in the face of these risks.

That is why, since 2010, the Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras) has focused its work on building and promoting safety networks for WHRDs. These networks, which IM-Defensoras have created in conjunction with local and national organizations in El Salvador, Guatemala, Honduras, Mexico and Nicaragua, aim to provide space to address the situation and needs of WHRDs in order to adapt and build specific protection measures and supports that contribute to acknowledgement and prevention of risks, exhaustion and pain caused by the violence. The networks also seek to strengthen and sustain WHRDs so that they can conduct their defense and promotion of human rights in conditions of safety and wellbeing.

Women’s networks have historically been a feminist tool to provide women with comfortable spaces in which to speak about their fears and aspirations, where they can relate to one another’s experiences and where they can relate to the violence they face for being women, as well as the strengths and rights that they have; empowering spaces that have been centers for action, strategy and organization in the work to overcome inequality, and building pacts and alliances among women.

These networks have the ability to develop protection strategies that allow for faster responses in emergency situations and optimize existing resources; they also

<sup>84</sup> Section prepared based on the article “The need for Protection Networks for Women Human Rights Defenders”. Authors: Marusia López and Cristina Hardaga. International Service for Human Rights. <http://www.ishr.ch/news/need-protection-networks-women-human-rights-defenders>



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allow WHRDs at risk access to a wide range of experiences, resources and protection strategies that have been developed by various members of the networks. Through these networks, WHRDs can amplify their reports on attacks against them, receive concrete support in times of need from people and organizations committed to the rights of women (from shelters to emergency resources) and build capacities for protection. Also of particular importance is that these networks provide tools and spaces for self-care and increase societal recognition for the work of WHRDs and their organizations.

These networks bring together WHRDs regardless of which movement they belong to, the scope of work or the hierarchy they have within their organizations or movements, thereby bringing together the diverse wealth of experiences, knowledge and resources of the women and their organizations. This not only contributes to the protection of WHRDs and the continuation of their work, but also promotes exchange, dialogue and coordination between movements.

It is important to highlight that support networks do not substitute or exempt government authorities from their obligation to guarantee a safe environment in which people can exercise their right to defend human rights. However, they do seek to assist in the modification of sociocultural patterns that underlie violence against women, fostering the establishment of institutional protection mechanisms and measures that have a gender focus.

In summary, WHRD protection networks provide a timely response to the context of violence and violation of human rights, strengthen the work and continuity of social movements, and help to build awareness of the importance of equality and non-discrimination against women in the work towards social justice and peace.





## 9. Ensuring an enabling environment for the work of WHRDs

### Reflections and recommendations

The sheer number of registered attacks that IM-Defensoras has documented, as well as the climate of impunity and discrimination in which WHRDs conduct their work, are evidence of the risks and obstacles that Mesoamerican women face in their efforts to advance justice, equality and peace. Violence against WHRDs, in addition to putting their lives at risk and undermining the work of their movements, inhibits the participation and organization of women in defense of their rights.

A gender analysis of attacks against WHRDs increases and deepens our understanding of the causes and effects of the crisis of violence and human rights violations prevailing in the region. It reveals how gender discrimination creates additional risks and obstacles for women who work in defense of human rights, and is used as a mechanism for control, demobilization and fear. It also demonstrates that the dynamics of violence against WHRDs in private and organizational spheres weakens the movements and increases vulnerability in the face of risk. In short, it provides substantive material for thinking about how organized society can confront the current situation, and maintain and expand the work of human rights, challenging the violence of governments and powers that be, and generating alternatives for the wellbeing and hope of those who work for social change.



Violence against WHRDs, in addition to putting their lives at risk and undermining the work of their movements, inhibits the participation and organization of women in defense of their rights.

There are currently few protection policies for WHRDs and those that exist, in addition to responding very weakly to the obligation of states to guarantee the right to defend human rights, provide generic sets of measures that do not take into account the ways in which factors such as work environment, gender, sexual orientation, gender identity or ethnic group, among others, affect the ways in which WHRDs experience human rights violations. This increases the risk for all WHRDs, but in particular those living in rural areas who defend land rights or work for the eradication of violence against women, as documented in this report.

Since state actors are the main perpetrators of violence against WHRDs, existing mechanisms should focus on combatting impunity, punishing according to the law any human rights violations committed by institutions, and eliminating discriminatory policies and practices; however, far from this, governments have reinforced the criminalization of WHRDs, increasing stigmatization, discrediting their work, and applying the law in partisan ways to restrict rights and freedoms. Moreover, they often work to cover up, support and encourage attacks by other actors who are increasingly involved in violence against WHRDs, such as national and transnational companies and other powerful groups like the church and organized crime.

In light of this situation, IM-Defensoras proposes the following recommendations for

states, national and international human rights mechanisms, civil society organizations, and society as a whole.

***a) Acknowledge the situation of violence against WHRDs***

Documenting and analyzing violations committed against WHRDs and their organizations from a gender perspective, and recognizing the violence and discrimination they face, would in itself be a protection measure as it would make the situation visible and allow for the development of appropriate protection mechanisms.

States should generate comprehensive, gender-sensitive official information. Government protection mechanisms should disaggregate information so as to identify the number of WHRDs that have been attacked and responded to, the areas in which they live, their age and ethnicity, among other indicators that would generate an understanding of their particular situation.

To encourage and monitor these processes, bodies such as the Inter-American Commission on Human Rights and the UN Human Rights Council should put forward resolutions, decisions and recommendations that clearly recognize that documenting attacks against WHRDs is part of a state's obligation to guarantee individual and collective security.

They should systematically incorporate gender indicators into analysis of the situation of WHRDs in order to understand the specific impact that gender discrimination has on their situation. This would imply, for example: analyzing the climate of violence against women in the contexts in which WHRDs work; recognizing the impact of discriminatory acts or situations perpetuated by non-state actors, including family and the WHRDs' local environment; identifying specific types of attacks against WHRDs based on their gender, including an analysis of the types of crimes and forms of criminalization most often used against WHRDs, among others.

The number of WHRDs protected by state programs should be seen as an indicator of the prevalence of violence against WHRDs in the country, and not as an indicator of the achievements of these programs. This indicator should be seen as a negative factor when assessing the state's compliance with international human rights commitments.

### ***b) Eradicate the criminalization and defamation of WHRDs by states***

States should refrain from any practice that criminalizes social protest and the work of WHRDs, and punish according to the law any institution or officials that apply the laws in a partisan manner, ensuring that reparation measures take into account the gender of the WHRDs.

This implies, among other things, combatting the effects of stigma and defamation that WHRDs face when they are subjected to criminalization processes, which have a greater effect on WHRDs than other human rights defenders, especially within their families and communities. All government officials must refrain from making statements that question or delegitimize the work of WHRDs, as well as any statements that promote the stigmatization, defamation, discrimination or sexism against a WHRD.

Similarly, states should take actions to ensure access to justice and to combat impunity on behalf of WHRDs. This should take the form of measures aimed at ensuring an independent justice system that guarantees due process and fair, impartial investigations in cases of human rights violations of WHRDs.

### ***c) Responsibility of national and transnational companies***

This report has shown that WHRDs who defend their land, territory and natural resources have been subjected to the highest number of attacks from 2012-2014. These WHRDs have not only faced the power and

use of force of state agents, but also the economic and de facto power of national and transnational companies responsible for the installation of extractive projects in their territories. This is why we are also calling these actors to take responsibility and abstain from any acts of aggression against WHRDs.

To this end, we join the call from WHRDs worldwide for these companies to respect the UN Guiding Principles on Business and Human Rights, guaranteeing the rights of WHRDs and providing adequate reparations where such rights have been violated, including violations conducted through ICTs and the media.<sup>85</sup> We also add our voices to the movements calling for a reformulation of the economic and development model in force, under which resources, public goods and services vital to the livelihood and welfare of society, have been privatized, exacerbating poverty, gender inequality and social conflict, and seriously endangering environmental sustainability.

### ***d) Implement protection mechanisms from a gender perspective***

It is essential to continue insisting that states incorporate international legislation against discrimination and gender inequality into their own regulations. In particular, respect international standards on sexual and reproductive rights and for those who have not already done, adopt the CEDAW Optional Protocol. .

Following from the above, states should design – in countries where they have not already done so – and strengthen – in cases where they have – legal and institutional mechanisms for the holistic protection of WHRDs, with a gender focus in both the creation of laws and their implementation. The active participation of WHRDs and feminist organizations in the creation, implementation

<sup>85</sup> Barcia, Inmaculada; "Our Right to Safety: Women Human Rights Defenders' Holistic Approach to Protection"; AWID and Women Human Rights Defenders International Coalition; 2014. Pg. 50.



and evaluation of these legal/ institutional frameworks is essential.

Such mechanisms should ensure compliance with the obligation to non-discrimination established in the CEDAW and incorporate the legal responsibilities of the Resolution on Protecting Women Human Rights Defenders adopted in November 2013 by the United Nations General Assembly.

They should also incorporate measures to carry out risk assessments, as well as adopt protection measures from a gender perspective, ensuring that allocated funds are flexible enough to guarantee that the design of protection measures is commensurate with the specific needs required by WHRDs.

Specific protection protocols for WHRDs that include comprehensive reparation measures to combat stigmatization and attend to diversity (ethnic, age, socioeconomic status, sexual preference, sexual identity, among others) should also be developed. Furthermore, priority emphasis must be put on processes to investigate assaults, in order to prevent impunity and ensure access to justice without discrimination by justice officials and institutions.

#### ***e) Strengthen WHRD protection networks***

It is essential to continue to support WHRDs in their efforts to coordinate through protection networks, as these networks provide the support needed to confront attacks, which WHRDs do not always have access to within their families, communities, and organizations.

These networks are spaces that promote the wellbeing and self-care of WHRDs which, together with the implementation of better working conditions within their own organizations, may help them overcome the extreme burnout that many experience from not having even minimal personal, family and organizational support to participate in political and social life in their countries. WHRD networks can also play a central role in the design, implementation and monitoring of

holistic protection policies.

In this regard, it is essential that cooperation agencies and a wide range of donors continue to support WHRDs, their organizations and protection networks with core funding. This will allow them to continue their work in secure conditions and to dedicate resources to strengthen their capacities for holistic protection.

#### ***f) Recognize the fundamental role of WHRDs in advancing democracy, equality and peace***

At the national and international level, the role of WHRDs in advancing human rights, democracy, equality and peace should be recognized, as it encourages a social environment that is respectful of their work and that inhibits possible attacks. It should encourage and inspire more and more women, regardless of the historical and structural gender inequality that still prevails throughout the world, to recognize themselves as rights holders and to actively participate in all social movements.

To meet their human rights obligations, states should publicly recognize WHRDs and their organizations as valid and necessary, and acknowledge the legitimacy of their work, especially in denouncing human rights violations.

For their part, civil society organizations should promote processes for women's empowerment and advancing the equality agenda, both in wider society as well as in their own organizations.

Feminist and women's organizations, and their full participation in society, should be more widely recognized and supported, given that they contribute to women's empowerment on both an individual and collective level. They are also the ones who have put the rights of women, and the many social problems arising from gender discrimination, on the public agenda.

We are convinced that the work of WHRDs strengthens democracy and the rule of law, and ensures women's full and equal participation in society. It is the obligation and responsibility of states and all of society to recognize and protect the work and contributions of WHRDs. We hope that this report will not only serve as evidence of the violence committed against WHRDs, and thus prevent it, but also to increase awareness of and appreciation for their work, thereby elevating the dignity and respect that they deserve for fighting to build a world of solidarity and justice for everyone.