



**Recommendations to Enhance
the Protection and Security
of Women Human Rights Defenders**

Women Human Rights Defenders International Coalition

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

Recommendations to Enhance the Protection and Security of WHRDs was produced by the Association for Women's Rights in Development (AWID) as part of its work as Chair of the Urgent Responses Working Group (URWG) for WHRDs at Risk of the Women Human Rights Defenders International Coalition. It was edited by Inmaculada Barcia and is the result of a participatory consultation based on the convictions, proposals and demands of a group of Women Human Rights Defenders from Africa, Asia, Latin America and the Middle East who defend a range of human rights, including women's rights.

These recommendations are intended to support WHRDs' advocacy efforts to lobby States, regional and international human rights protection mechanisms, international cooperation agencies and donors, and national and transnational corporations, to contribute to the development of an enabling environment free from violence to ensure that WHRDs can carry out their work defending human rights.

URWG Membership for 2013

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

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For more information on the WHRDs International Coalition: www.defendingwomendefendingrights.org

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

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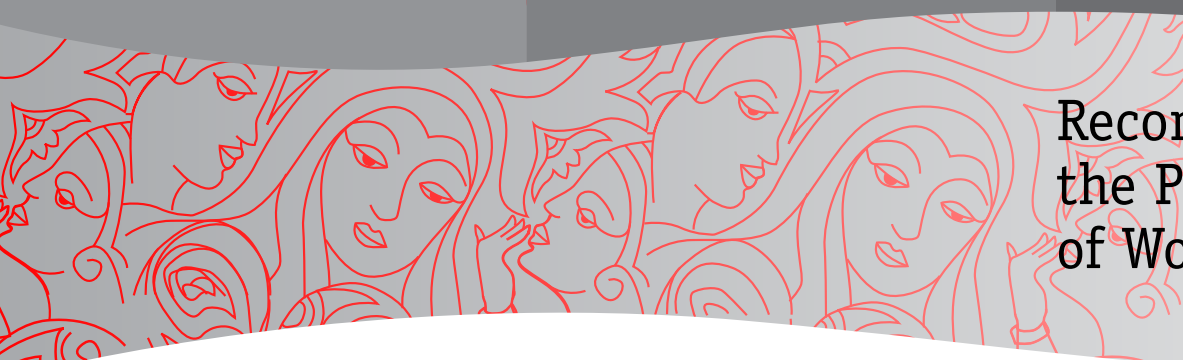
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Recommendations to Enhance the Protection and Security of Women Human Rights Defenders

The recommendations presented in this publication provide ideas for the development of protection measures and programmes for Women Human Rights Defenders (WHRDs). These recommendations are directed at States, regional and international human rights protection mechanisms, international cooperation agencies and donors, and national and transnational corporations. All of these actors have an important role to play in the creation of an enabling environment free from violence where WHRDs can continue their work defending human rights.

Developed based on a gender perspective and taking into account other conditions or identities of WHRDs, these recommendations are the result of a consultative process organised by the Association for Women's Rights in Development (AWID), in collaboration with the Urgent Responses Working Group for WHRDs at Risk, of the Women Human Rights Defenders International Coalition. The consultation was held in Mexico City from 26-27 June 2013, with the participation of WHRDs from Africa, Asia, Latin America and the

Middle East who defend a range of human rights, including women's human rights.

Women Human Rights Defenders are “women active in human rights defence who are targeted for who they are as well as all those active in the defence of women's rights who are targeted for what they do.”ⁱ WHRDs are subjected to gender-based violence solely because they are women. This type of violence may come from within their own social movements and organisations or be at the hands of their family members. Further, they face challenges that arise from their work challenging a patriarchal culture that has traditionally treated women as unequal in relation to men, in both the public and private spheres.

Beyond gender, other biological, economic, social, cultural and geographical factors such as class, religion, age, language, gender identity and sexual orientation, location of residence, race and ethnicity, affect how WHRDs experience a violation.

These risk factors are often exacerbated by the different contexts in which WHRDs live and work. For example, in a militarised context, sexual

and gender-based violence can be employed by state and non-state actors to “assert or reassert gendered and other social/political hierarchies”ⁱⁱ and as a ‘weapon of war’ in conflict. The presence of authoritarian regimes can also have specific consequences for WHRDs “whose work may challenge existing social inequalities or expose the deficiencies of political regimes and government.”ⁱⁱⁱ Similarly, WHRDs working in contexts where religious and cultural fundamentalisms are present are at a greater risk of attacks than their male counterparts because they are deemed to have transgressed social norms. Violence against WHRDs may be gendered or sexualised as a way to “recast women back into their ‘traditional’ roles.”^{iv}

Given the diversity of risks and violations confronted by WHRDs, it follows that their protection needs also vary significantly. Currently, protection mechanisms or programmes exist in only a few countries and, where they do exist, they do not take into account this diversity among WHRDs or their distinct roles at work and within their families, organisations, social movements and

communities. The majority of existing protection programmes offer a generic set of measures for all human rights defenders at risk, that do not consider the influence of factors like gender, sexual orientation, gender identity, race or ethnicity on how defenders experience human rights violations.

Indeed, during the consultation, participating WHRDs emphasised the need to advance an integrated concept of security that goes beyond just the physical protection of the individual. Such a concept of security would encourage the development of preventative measures and take into account WHRDs' need to feel safe at home, at work and when they go out, as well as to include the

physical and psychological wellbeing of WHRDs, their organisations and their families. Similarly, the WHRDs reiterated the need for protection measures and programmes to take into account the historical, cultural, political and social contexts in which WHRDs live and address their specific needs and realities.

AWID would like to express its gratitude to each of the WHRDs who participated in this consultation and shared their experiences, ideas, hopes and needs to develop this collection of recommendations that seeks to improve the conditions for defending human rights.

- i** Asia Pacific Forum on Women, Law and Development (APWLD), (2007), *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*, p.15, available at http://www.defendingwomen-defendingrights.org/pdf2008/EN_Claiming_Rights.pdf
- ii** Women Human Rights Defenders International Coalition, (January 2012), *Global Report on the Situation of Women Human Rights Defenders*, p. 26, available at http://www.defendingwomen-defendingrights.org/pdf/WHRD_IC_Global%20Report_2012.pdf
- iii** Ibid
- iv** Ibid

RECOMMENDATIONS TO STATES:

► Recognition and support for the work of WHRDs

1.

Grant political and legal recognition (in the constitution or common laws) to the diverse and important work carried out by WHRDs to protect the most vulnerable populations, to achieve more equal societies, and to strengthen democracy and the rule of law.

2.

Issue specific statements and organise public awareness campaigns that support the legitimacy and importance of WHRDs' work, focusing on eliminating prejudices and recognising WHRDs' contributions to society and development both at the national and local level.

3.

Use a broad definition of "Women Human Rights Defender" that includes not only those working for traditional non-governmental organisations (NGOs), but also WHRDs defending labour rights, land rights, cultural rights, sexual and reproductive rights, as well as collectivities and grassroots organisations.

4.

Work to ensure that public officials and other non-state actors (such as the media, religious and community leaders, and private sector representatives) do not make statements that attack, defame, incite violence against or stigmatise WHRDs or their

social movements. In cases where such statements are made, guarantee that those responsible are punished accordingly.

5.

Enact specific legislation and programmes that fight sexism in media campaigns, in particular those affecting WHRDs.

6.

Grant legal recognition to the United Nations Declaration on Human Rights Defenders* at the national level and recognise the specific risks and vulnerabilities that WHRDs face.

7.

Enact laws that support and facilitate human rights work and eliminate compulsory, excessively rigorous requirements for the legal registration of an NGO or for accessing international funding. These laws should prohibit the labelling of civil society organisations as 'terrorist' or 'illegal organisations' including any restrictions on this basis in accordance with their right to freedom of expression, association and assembly. Similarly, these laws should incorporate provisions on the right to appeal such characterisations of civil society organisations.

8.

Guarantee public funding to ensure that WHRDs and their organisations can continue defending women's human rights.

* UN Declaration of the right and obligation of individuals, groups and institutions to encourage and protect human rights and universal fundamental liberties

► Protection Mechanisms and Programmes

9.

Formulate protection policies and programmes that focus on eliminating the structural causes of violence against WHRDs and advocate for the adoption of specific measures to prevent, investigate and punish those responsible for the abuse and violence perpetrated against them.

10.

Ensure that protection measures lead to an enabling environment free of violence in accordance with international human rights standards and that these measures do not impede WHRDs' work so they can continue their activities defending human rights.

11.

Recognise and do not hinder protection measures provided by non-governmental organisations that do not involve the use of arms, or state officials or persons hired by the State.

12.

Develop or strengthen existing national protection mechanisms and programmes for WHRDs at risk by formulating and implementing protection measures with a gender-sensitive approach that takes into account the different types of needs and risks faced by women. Such programmes should:

a.

Recognise and apply an integrated concept of protection that entails not only physical protection but also measures that support the wellbeing of WHRDs, including psychosocial support, self-care and access to

other health services. These measures should take into account the specific needs of WHRDs and be provided by gender-sensitive professionals with expert knowledge on the subject matter;

b.

Guarantee that all protection measures are designed and implemented in consultation with beneficiaries and guarantee that these measures are only granted to WHRDs with their consent;

c.

Guarantee the flexibility of protection measures to be adapted to different regional and cultural contexts as well as the particular needs of WHRDs at risk;

d.

Take into account the role that many WHRDs play as the primary or the only family caregiver and extend protection measures, such as psychosocial support and temporary relocation, to their children as well as other persons in their care;

e.

Guarantee that protection measures, such as relocation plans and psychosocial support, take into consideration the specific needs of WHRDs including those based on their ethnicity, race, health, gender identity and sexual orientation.

f.

States that do not provide relocation measures should, at the very least, guarantee the security of WHRDs who decide to relocate to another country with the support of civil society organisations;

- g. Guarantee that risk analysis take into account the specific needs of WHRDs, as well as the particular contexts and patterns of violations against WHRDs. Risk analysis should also consider the specific needs of the diversity of WHRDs, including indigenous, Afro-descendants, lesbian, bisexual and transgender women and those living under vulnerable conditions such as poverty;
- h. Guarantee that risk analysis are conducted by independent experts and include the participation of WHRDs in defining their protection needs and priorities;
- i. Improve the availability of resources and opportunities for WHRDs and their organisations to decrease their vulnerability, such as trainings on risk analysis and the formulation of security plans as a prevention strategy;
- j. Ensure that municipal and national institutions, as well as the different sectors involved such as justice, health and education sectors, coordinate their efforts when responding to WHRDs at risk. In addition, states should identify which institutions are responsible for implementing each protection measure and establish a clear process for WHRDs to access them;
- k. Develop or support alternative protection measures that do not involve the use of weapons (such as armed bodyguards) and recognise existing self-protection mechanisms (for example, indigenous guards or other forms of community protection);

- l. Guarantee that budget is allocated to support the development and implementation of protection measures for WHRDs and the work that they do in defence of human rights at the municipal and national level;
- m. Guarantee that protection measures take into account the impact of attacks on the wider group of individuals that WHRD may represent or work with, so these measures also work to prevent violence against other WHRDs from the same group, community or those who share similar causes.

► Access to Justice and Impunity

13.

Guarantee an independent judicial system that provides redress to WHRDs who face violence and ensure that it is not used to criminalise or impede WHRDs' work. All trials against WHRDs should comply with due process.

14.

Strengthen existing judicial systems, or create new institutions when appropriate (for example, fast-track tribunals), to quickly respond to threats and attacks against WHRDs and to accelerate the process for filing claims and investigating.

15.

Establish accountability mechanisms to ensure the transparency of legal institutions, including the publication of legal decisions and related legal analysis, which should be accessible to the public.

16.

Guarantee the independence of public human rights institutions to ensure they can work independently as well as playing a proactive role in the execution of prevention programmes on violence against WHRDs and the protection of the right to defend rights.

17.

Guarantee the prompt and impartial investigation of violations committed against WHRDs and the prosecution of those responsible. Investigations should use a women's rights framework and take into account the context in which WHRDs work and the patterns of attacks targeting them.

18.

Investigate and carry out analysis of the threats against WHRDs committed via information and communication technologies and prosecute the perpetrators of these crimes.

► **Training for Public Officials**

19.

Ensure that officials from the legal and penal systems, who work on WHRDs cases, receive training that address the risks faced by WHRDs, their specific needs, the contexts in which WHRDs work and the barriers they face in accessing justice.

20.

Encourage 'peer-to-peer training' for legal system officials as a strategy for countering impunity and improving gender sensitivity.

21.

Develop indicators to measure the impact of these trainings in order to identify how cases of threats and attacks against WHRDs are handled and how the rates of impunity, in those cases, have been affected.

22.

Create mechanisms to prevent the political appointments, promotions to public office or advancement of political careers of those officials who instigate attacks against WHRDs.

► **Use of Information and Communication Technologies (ICTs)**

23.

Guarantee that legislation and policies that regulate the use of ICTs in each country follow international norms, including the right to access information and to freedom of expression.

24.

Guarantee that legal frameworks regulating ICTs prohibits the use of information about WHRDs and their organisations for the purpose of attacks, stigmatisation and persecution.

25.

Prohibit justifications based on vague national security laws or the defence of community morals to sanction online privacy violations and to silence WHRDs carrying out non-violent activities in defence of human rights.

26.

Promote and support protection schemes that include training on the risks, responsibilities, tools and strategies to protect WHRDs and their networks when using ICTs.

RECOMMENDATIONS FOR REGIONAL AND INTERNATIONAL HUMAN RIGHTS PROTECTION MECHANISMS:

- 27.** Collect information and document violations committed against WHRDs and their organisations to generate evidence of the types of attacks against WHRDs and their work.
- 28.** Issue resolutions, decisions or recommendations that clearly recognise the need to guarantee the individual and collective security of WHRDs, establish limits on State authority, and punish public officials who commit such violations.
- 29.** Consider the number of WHRDs covered by state protection measures or programmes to represent an indicator of existing violence against WHRDs in a country, rather than using this indicator as an accomplishment of the way a protection scheme is protecting a great number of people. This indicator should affect negatively the assessment of a state's compliance with its international human rights commitments.

30. Call on the country offices and representations of the United Nations High Commissioner for Human Rights, to include monitoring of compliance with the UN Declaration on Human Rights Defenders, especially the elimination of defamation and stigmatisation of WHRDs, in their mandate.

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

RECOMMENDATIONS TO INTERNATIONAL COOPERATION AGENCIES AND DONORS:

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

RECOMMENDATIONS TO NATIONAL AND TRANSNATIONAL CORPORATIONS:

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