

Global Report on the Situation of Women Human Rights Defenders

Abstract

The Women Human Rights Defenders International Coalition (WHRD International Coalition) is a resource and advocacy network for the protection and support of women human rights defenders worldwide. An international initiative created out of the international campaign on women human rights defenders launched in 2005, the WHRD International Coalition calls attention to the recognition of women human rights defenders. It asserts that those advocating for women's human rights - no matter what gender or sexual orientation they claim - are in fact human rights defenders. Their gender or the nature of their work has made them the subject of attacks, requiring gender-sensitive mechanisms for their protection and support. The WHRD International Coalition involves women activists as well as men who defend women's rights and lesbian, gay, bi-sexual, and transgender (LGBT) defenders and groups committed to the advancement of women's human rights and sexual rights.

The situation of Women Human Rights Defenders (WHRDs) has received little attention in the human rights arena. In response to this, the WHRD International Coalition has published the “Global Report on the Situation of WHRDs” to advance the recognition of WHRDs, the violence and violations of rights that they face, and the contexts that enable these violations.

This abstract contains the Executive Summary and the Background of the Report as a summary of main discussions and concerns exposed. It also presents a short section of the first chapter in order to provide an overview of contexts in which the report analyses the different scenarios of violations against WHRDs.

While the full report is currently only available in English, this abstract is also available in Spanish and French, and can be viewed online and downloaded from the WHRD International Coalition website: www.defendingwomen-defendingrights.org

Executive Summary

The *Global Report on the Situation of Women Human Rights Defenders (WHRDs)*, hereon referred to as the *Global Report*, reflects the growing body of analyses produced by the members of the WHRD International Coalition since 2005. It demonstrates the ongoing evolution of our articulation of challenges faced by WHRDs, the source of these challenges and how best to respond to them. The use of 43 cases studies illuminates specific trends and experiences of WHRDs, providing an in-depth glimpse of the landscape in which WHRDs live and work.

The *Global Report* focuses on the different contexts in which WHRDs work, recognizing that the social, cultural, economic and political environment substantively influences the challenges WHRDs face and can exacerbate their vulnerability. Identifying the context also enables the experience of WHRDs to be understood as more than individual occurrences, but rather as part of a systemic and structural oppression of WHRDs because of their gender and/or the work they undertake on gender-related issues. Focusing this report on contextual trends is testament to the analytical tools and frameworks used by WHRD groups to identify the root causes of risks to defenders and appropriate ways to respond.

The premise of the *Global Report* is that patriarchal and heteronormative ideologies shape the diverse and often inter-woven contexts in which WHRDs work. Patriarchal ideologies are the socially constructed privileging of male power in all forms of social relations. Heteronormative ideologies both privilege heterosexuality and rigidly define so called 'normal' gender identities, roles, sexuality and sexual relations. Both patriarchal and heteronormative ideologies have informed the development of social structures and institutions, cultural and religious beliefs and norms, laws, policies and other forms of public discourses that have resulted in the perpetuation of gender discrimination and inequality.

The *Global Report* examines contexts in which WHRD's work is shaped by five key phenomena: fundamentalisms; militarization and situations of conflict; globalization; crises of democracy or governance; and heteronormativity. Each context and its relation to underlying patriarchal and heteronormative discourses are explored through a gender analysis and case studies. However, it is also clear that the division of experiences into separate contexts is arbitrary as there is often considerable interplay between different contexts.

A closer look at each context has also shown the emergence of new challenges, perpetrators, and forms of violations against WHRDs. *Fundamentalisms* – the growth of fundamentalist forces – has not only meant that WHRDs are now dealing with adversaries that are politically and economically stronger today, but that WHRDs must also respond to a general increase in conservatism that is premised on absolute monolithic approaches across regions. It is not only religious countries where fundamentalisms pose a threat to women, but also in secular States, where fundamentalist actors are gaining power and legitimacy.

The growth in *militarization and situations of conflicts* in different parts of the world has also heralded the resurgence of old and emergence of new challenges for WHRDs. Militarization of societies supports the growth of fundamentalisms as well as strengthened patriarchal and heteronormative ideologies and practices because of their mutually reinforcing effects on the increased subordination of women and the propagation of violent masculinities. The lack of recognition of the role of WHRDs in responding to situations of conflict is also shown to make them more vulnerable to attacks, especially where the risk of violence against women, particularly sexual violence, is already high.

The *Global Report* explores the impact of *globalization* on economic, social and cultural rights as well as restrictions of civil and political rights. The continued growth in the power and influence of the private sector, which is bolstered by endorsement of States for the purposes of economic gain, poses a number of challenges to WHRDs. Marginalization of Indigenous Peoples and impoverished communities under globalization is exacerbated when combined with democratic failure to hold economic actors to account. This gives rise to a range of non-State based actors that WHRDs contend with, who often act with impunity.

The section on *undemocratic and authoritarian regimes* illustrates the many settings in which WHRDs strive to defend a range of human rights and the gender-specific violations towards WHRDs by both State and non-State actors. Authoritarian regimes reinforce gender and other social hierarchies that can have specific consequences for WHRDs, whose work may challenge existing social inequalities or expose the deficiencies of political regimes and governments. The failure of States to fulfil their obligation to protect individuals from and prevent human rights violations is often amplified by general lawlessness and impunity for violations. Restrictions on freedom of expression and assembly, key rights and tools for all human rights defenders (HRDs), are shown to be used against WHRDs and censor the human rights issues that they strive to bring into the public domain.

Finally, examining threats to defenders of sexual and reproductive rights as well as lesbian, gay, bisexual, transgender and intersex (LGBTI) activists through the lens of *heteronormativity* shows that despite many achievements at the international level in recognizing gender identity and sexuality-related rights, WHRDs at the local or national level continue to be persecuted, often in highly violent ways, for their work on these issues or because of their affiliation to a specific gender

identity. Highly dangerous environments, use of administrative and legal procedures to harass defenders of sexual and reproductive rights, and State and media exacerbation of entrenched homophobia are examples of the continuing challenges posed by deeply held heteronormative beliefs that defenders may confront in their communities.

The *Global Report* examines the specific types of violations against WHRDs, including gender-based and sexual violence, that are perpetuated by, and reinforce the de-valuing of women and their rights. Gender-based discrediting of WHRDs is widespread and can also motivate repression from a broader range of actors in the community exacerbating the vulnerability of WHRDs. While WHRDs face violations similar to other HRDs, it is essential to recognize the gendered consequences of such violations. Documentation of violations against WHRDs is essential to establishing patterns and identifying specific protection needs for WHRDs.

Since WHRDs are uniquely affected by the context in which they work, the gendered responses and risks faced because of what they do and their gender identities means strategies to ensure protection of WHRDs must be uniquely and appropriately designed and implemented. The *Global Report* explores strategies implemented to protect WHRDs at risk as well as strategies to address the structural challenges they face in their lives and work. This dual approach is necessary to guarantee protection of WHRDs in the long-term and is critical to gender equality. Fundamentally, WHRDs themselves must be engaged in the design and implementation of protection strategies to ensure that they are as effective as possible, recognizing that defenders themselves are the experts on their own needs.

In conclusion, the WHRD International Coalition finds that it is imperative to improve under-developed documentation and to systemically track cases of WHRDs. From the experience of producing the *Global Report* as well as the observations of the WHRD International Coalition over the past six years, it is clear that reliable quantitative information regarding WHRDs and the contexts in which they work, is rarely available. WHRDs cannot remain invisible given their protection, along with all HRDs, is enshrined in the Declaration on HRDs¹ and the fundamental freedoms guaranteed under international human rights law.

Global Report Background

An international campaign on WHRDs was launched in 2005 by a group of women from mainstream human rights organizations, women working on women's human rights, and groups working specifically on rights related to sexual orientation, gender identity, and sexuality.

This coincided with the consultation held in Sri Lanka which brought WHRDs together to discuss progress on the implementation of the UN Declaration on HRDs. WHRDs from across the globe, and from across diverse boundaries of class, age, race, ethnicity, sex, sexual orientation and gender identity participated in the Sri Lanka Consultation sharing testimonies and experiences.² One of the primary conclusions was that WHRDs face the same gamut of risks faced by all HRDs, when they challenge repressive state machinery, for example, or when they raise demands for freedom of opinion and expression from authoritarian states. In addition, because they are women they are also exposed to, or targeted for gender-based violence and gender-specific attacks, which could include threats to their families and allegations relating to their behavior and 'conduct'. Accusations of WHRDs being 'bad' women, negligent mothers and immoral are common.

¹ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*; otherwise known as the 'Declaration on Human Rights Defenders'. Adopted by the UN General Assembly on 8 March 1999. Available at: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Translation.aspx>.

² For longer discussion on the Sri Lanka Consultations see *Re-contextualising Women Human Rights Defenders*. Sunila Abeysekera. Unpublished AWID discussion paper for the WHRD International Coalition (August 2011).

Comparable charges are far less commonly made against male HRDs. Such accusations have been used to justify and incite violent retaliation against WHRDs.

The Sri Lanka Consultation interrogated the culture of impunity for crimes against women, looking at the range of laws, policies and practices, written and unspoken, that deny women's equality and rights; at perpetrators acting in collusion from both state and non-state sectors; and at the interlocking networks of silence and 'shame' that heighten the vulnerability of women activists to violations of their rights and that impede their enjoyment of full and equal citizenship. Participants looked at the factors that made it difficult for WHRDs to report or even articulate the existence of abuse and violence, leading to their isolation, silencing and self-censorship, making them more vulnerable to abuse and violations and perpetuating the culture of impunity.

Acknowledging the need for collective responses to the challenges highlighted in Sri Lanka, several groups and individuals formed the WHRD International Coalition. The WHRD International Coalition believes that increasing awareness about the situation of WHRDs is critical. This is because it is only if a WHRDs' active engagement in the protection and promotion of human rights is seen and accurately understood, that appropriate strategies can be defined to ensure the protection to which they are entitled. Violations and constraints that WHRDs have faced in carrying out their activism have often been ignored, misrecognized or unreported, making a comprehensive evaluation of their situation difficult. The UN Special Rapporteur on the situation of HRDs, Margaret Sekaggya, focused her third annual report to the Human Rights Council in 2010 on WHRDs and this has been an important step towards international recognition of the challenges they face.³ The UN Special Rapporteur's report strongly advocated for by WHRDs International Coalition members presents a number of recommendations to strengthen the protection of WHRDs.

The WHRD International Coalition's *Global Report* aims at further contributing to the recognition of WHRDs with a contextual analysis of the environment in which WHRDs work and the violations they face because of their gender and/or work on women's human rights and sexual rights. Contextual analysis is necessary to move beyond individual experiences of violations to uncover systemic oppression of WHRDs, and to effect strategies to both ensure personal safety and address structural challenges to the work of WHRDs.

In keeping with feminist principles of research, the methodology of this report has placed the WHRDs' analysis of their own experience at the heart of the inquiry. WHRDs themselves draw out contextual elements they consider most telling in providing obstacles to their work. Case studies illustrating particular contextual trends have been written in close collaboration with the relevant WHRDs where possible and a thorough consent process been followed. The report's analysis draws from these case studies, along with WHRD International Coalition's written materials and conversations held on WHRDs through the six years of the Coalition's existence. The areas of interest in the report respond to the WHRD International Coalition's concerns with, and insights of how gender informs an ability to defend human rights.

Visibility of WHRDs' experience is a crucial part of the struggle for gender equality and social justice. Contributing to this, the *Global Report* highlights under-reported and previously unidentified issues. During the development of the report, WHRD International Coalition members encountered gaps in our own approaches to documenting WHRD experience. This emphasised the need for more systematic and collective approaches to ensure much needed attention is paid to the specific situation of WHRDs.

It is intended that the *Global Report* is an advocacy and capacity building tool primarily, both important measures for WHRDs' protection and the prevention of further abuses. The *Global Report* is a contribution to the ongoing documentation of the situation of WHRDs that will enable informed advocacy from the local to regional and international levels.

³The Special Rapporteur's report was presented to the Human Rights Council in December 2010. Document number. A/HRC/16/44. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/16/44

Content of the Global Report

The Global Report has three main chapters, each with a number of case studies.

Chapter 1: Contexts in which WHRDs work

WHRDs have long recognized the limitations of human rights and legal discourses to adequately capture the complexity of the experiences of women activists. While international human rights law and the jurisprudence generated by human rights mechanisms provide definitive standards for the protection of individual rights, identifying individual violations of rights does not always allow for recognition of the ways in which assumptions of patriarchy or heteronormativity permeate public discourses and inform the wider environment in which WHRDs live and work.

Chapter 2: Violations against WHRDs

The publication *Claiming Rights, Claiming Justice: A Guidebook for Women Human Rights Defenders* provides a typology to assist in the identification of a range of violations, constraints and risks faced by WHRDs.⁴ This typology was drawn from the rights codified in the UN Declaration on HRDs as a 'legal starting point' and grouped rights into categories that would better facilitate the recognition of the gender-specific impact of violations on WHRDs as follows:

- a) Gender-based violence against WHRDs
- b) Violations against WHRDs with gendered consequences
- c) Violations against WHRDs working on sexuality, reproductive and other rights

Chapter 3: Strategies to address the situation of WHRDs

The final chapter discusses strategies for addressing individual cases of WHRDs, as well as strategies to address the broader context in which they work. This chapter touches on general guiding principles for developing strategies to address the specific nature of the situation of WHRDs and shares different strategies that contributing organizations have found useful in addressing the situation of WHRDs.

Each of the chapters has a number of paradigmatic cases that illustrate the trends discussed in this report. The cases are a mere snapshot of the experiences faced by WHRDs globally and the varied contexts in which they work, the violations they face and the strategies that have been used to support them. Therefore, the *Global Report* is not a comprehensive assessment of the situation of all WHRDs everywhere. While efforts have been made to achieve a balance in terms of illustrating the different contexts, regions/countries, perpetrators, groups affected and other relevant elements, the limitations of contributing organizations as well as the above-mentioned lack of systematic documentation of WHRD issues has meant that this has not always been possible. One of the aims of this report is therefore to contribute toward a broader, ongoing process of collecting and systematizing information and analyses on issues of concern in relation to WHRDs.

Contexts in which WHRDs work (extract from Chapter 1 of the *Global Report*)

What do we mean by 'context' and why is it important?

One of the distinct aspects of the situation of WHRDs is that the risks and obstacles that they face are not always clearly identified or defined within existing vocabularies of human rights or legal discourse. The complex gender-based components of risks, violations and constraints that WHRDs encounter are often ignored or misrecognized because of their entanglement with other

⁴ *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders*, 2007 pp 49-52.

aspects such as class, race, ethnicity or legal status, in situations defined by phenomena as diverse as militarization, globalization or fundamentalism. This is the cumulative result of the lack of specific prioritization and attention to this issue. The threats to WHRDs are more-often assumed to be the nature of the world because of deeply ingrained patriarchal assumptions of women's roles and responsibilities underlying the way in which these threats are perceived and articulated.

'Context' is the dominating discourses and ideologies that can be both justification of, and reinforced by social, legal, economic, political and customary structures, practices and restrictions. By focusing on the contexts, the *Global Report* articulates the broader setting in which WHRDs work which systemically impacts on attainment of human rights and the experience of defenders. Examining a context thus means taking a step back to examine the broader interplay of various elements in a given setting, in order to assess the environment for the defense of human rights in general, as well as for women in particular. This therefore involves examination beyond laws, policies, and institutions to interrogate hegemonic ideologies regarding women and gender to deconstruct and make visible their patriarchal or heteronormative assumptions (explained below). Understanding how these widely prevailing ideologies infiltrate public and private life may provide greater insights into the challenges that WHRDs may engage with on an everyday basis as part of their lives and as part of their work as human rights activists. For these reasons, this report understands context to encompass the structures and ideologies in which violations, constraints and risks occur.

Examining the broader context allows one to locate the experience of WHRDs beyond a strictly human rights framework of violations – that is, also looking at risks and constraints which are not necessarily penalized under law but nonetheless have a significant impact on the lives and work of WHRDs. Additionally, examining the broader context allows activists, documenters, and other stakeholders to identify and analyze *patterns* of violations, rather than examining individual instances without making the necessary linkages. Examining context allows for an assessment of risk with the aim of developing better and more strategic responses or preventive measures to address the situation of WHRDs. Understanding the motivation behind attacks and identifying and attributing responsibility to perpetrators, who may be State or non-State actors, is enhanced by a wider contextual analysis. Finally, the mutually reinforcing relationship between laws and policies, and broader social attitudes and assumptions towards the role of WHRDs can be more accurately understood and assessed by contextual analysis of WHRDs work and their treatment.

How do patriarchy and heteronormativity inflect contexts in which WHRDs work?

For the purposes of this report, patriarchy can be understood to refer to the socially constructed privileging of male power in all forms of social relations.⁵ Limitations of women's autonomy over their bodies and their environment, the sexual division of labor and the gendered separation of public and private spheres can all be understood as different manifestations of patriarchal power. Patriarchal principles and practices are aimed at the preservation of male power, and are therefore reflected in the formation of social and political structures and institutions, public discourses, and the broader social and cultural domains. A central pillar of this report is the understanding that the creation and persistence of structural inequalities that perpetuate gender subordination must be located within the context of patriarchal power.

In this report, heteronormativity is understood as the privileging of heterosexuality and assumptions that naturalize or essentialize sex and gender so as to rigidly define normative gender identities, gender roles, sexualities and sexual relations.⁶ Heteronormative assumptions, for example, inform the privileging of reproductive sex and heterosexual relationships, and propagate the marginalization of non-normative sexualities, identities and gender roles.

Both patriarchy and heteronormativity are formative ideologies in the perception of gender, gender relations, identity and responsibilities. WHRDs actively challenge both how women are expected

⁵ *Ibid*, p.23.

⁶ *Ibid*, p.24.

engage in private and public life, what kind of relationships women and men are supposed to have, and how individuals are expected to express their gender. Therefore patriarchy and heteronormativity are the core ideologies that WHRD confront because of who they are and what they do.

Contexts examined:

Through a collaborative process, the WHRD International Coalition prioritized examination of the following phenomena informing the contexts in which WHRDs work, noting that several of these phenomena overlap:

- a) fundamentalist and other discourses
- b) militarism and situations of conflict
- c) globalization
- d) crises of democracy or governance
- e) heteronormativity

About the *Global Report*

The WHRD International Coalition released the report in February 2012 and is presenting it at national, regional, and international venues around the world, including the Commission on the Status of Women. *The Global Report*, complete with 43 case studies, is a significant body of work providing contextual analysis of the situation of WHRDs, the violations against them due to their identity and their work, and strategies to address the specific protection needs of WHRDs. The case studies presented in the report can be found number sequentially in Annex I. Additionally, each of the cases are 'tagged' with a number of categorizations to enable readers to use the grid in Annex I to cross reference particular geographic regions, context, violations and strategies. This also exemplifies the multiplicity and complexity of issues or 'contexts' which WHRDs face. The names of WHRDs in the cases has been changed, where necessary, to protect the identity of the defenders.

For more information about the WHRD International Coalition, the *Global Report*, and accessing this Abstract in English, Spanish or French, please visit our website:

www.defendingwomen-defendingrights.org

Members of the WHRD International Coalition Global Report Working Group:

Amnesty International (AI)
Asia Pacific Forum on Women, Law and Development (APWLD)
Asian Forum for Human Rights and Development (FORUM-ASIA)
Association for Women's Rights and Development (AWID)
Front Line Defenders
International Service for Human Rights (ISHR)
Isis International
ISIS – Women's International Cross Cultural Exchange (ISIS WICCE)
Information Monitor (INFORM)
International Federation of Human Rights (FIDH)
Peace Brigades International (PBI)
Urgent Action Fund for Women's Human Rights (UAF)
Women Living Under Muslim Laws (WLUML)
World Organisation Against Torture (OMCT)

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