

WOMEN HUMAN RIGHTS DEFENDERS: ADVANCING THE RIGHTS OF THE MOST MARGINALISED AND STIGMATISED

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“Women human rights defenders around the world fight for freedom justice and fairness. We are connected to many political struggles, including, but certainly not limited to, fighting for the rights of women. We are engaged with virtually every form of human rights struggle, from access to food to the right to be free from arbitrary arrest. We call for an end to regulations and practices that endanger our lives and limit our activism. And we resist the systems of oppression - and those people who enact those systems - that for centuries have created a global crisis of gender inequality, patriarchy and misogyny.”¹

INTRODUCTION

The term ‘women human rights defenders’ (WHRDs) applies to a significant number of advocates and activists from a diverse range of civil society organisations (CSOs). Article 1 of the UN Declaration on Human Rights Defenders defines a human rights defender as: “Anyone who, individually or in association with others, promotes or strives for the protection and realisation of human rights and fundamental freedoms.”² The term includes women activists, men who defend women’s rights, lesbian, gay, bisexual, transgender and intersex (LGBTI) human rights defenders, and groups committed to the advancement of women’s human rights and sexual and reproductive rights.

Many WHRDs face significant risks in the work that they do. For many, demanding rights for women or simply being a woman activist can be life-threatening. This is especially true for those who challenge societal gender and social norms. These can include norms relating to reproductive rights, sexuality, freedom of expression, or the right to dress a certain way. For example, activists can be threatened for campaigning against female genital mutilation, early marriage or abortion, or for advocating for the rights of transgender people. Those who are themselves gender non-conforming are particularly targeted both for their advocacies and their identities

On 24 January 2016, human rights defender Ms Paola Barraza, a trans woman, and a member of the board of an organisation that works for equality and equity for the LGBTI community, was assassinated by unknown attackers in front of her house in

1 ‘Gendering Documentation - A Manual For and About Women Human Rights Defenders’, Women Human Rights Defenders International Coalition, 2015.

2 ‘Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms’, United Nations Office of the High Commissioner for Human Rights’, 9 December 1998, <http://bit.ly/1zVT2iw>.

Honduras.³ In El Salvador, activists working to overturn the complete ban on abortion in the country have become the targets of public defamation and misinformation campaigns, and hate speeches by public officials, as well as by non-state actors, such as religious and community leaders, and the media, as in the recent case of *La Colectiva Feminista* and *La Agrupación Ciudadana*.⁴ In Uganda, the Women's Organization Network for Human Rights Advocacy (WONETHA), which campaigns for sex workers' rights, had its offices raided by police officers, and documents, computers and other material were confiscated, while five staff members experienced harassment and faced criminal charges.⁵

RISKS AND THREATS

WHRDs are subject to additional violence, and risks sometimes specific to their gender, when undertaking their work. Culture, tradition, custom and religion are used to validate the suppression of WHRD activities by those who seek the power to deny women their rights. Violations against WHRDs are manifested in many forms, and range from verbal and online abuse to physical and sexual abuse. In addition to sexual violence, gender and sexual stereotypes are routinely invoked to harm WHRDs' reputations and delegitimise their work; for example, they may be accused of being a bad mother, be threatened with losing their children, and excluded by their families or communities.

Perpetrators may be state actors or non-state actors, such as community leaders or individuals from religious groups. Frequently WHRDs face threats within their homes, from their own families. Moreover, many WHRDs do not recognise such attacks as human rights violations. They may perceive abuse, often condoned within their community, as part of the job, and an unavoidable consequence of local customs and traditions. The prevalence of impunity for violations of women's human rights, especially for perpetrators, is also a reason why violations against WHRDs often go unrecognised and unpunished. Attacks may be blamed on the individual herself for challenging local norms of behaviour, attributed to robbery, or characterised as crimes of passion or 'honour killings'.

Because the risks and violations WHRDs face are unique in nature, their needs pertaining to security are also gender specific. The key issue is not to ask whether WHRDs face more or less aggression than men, but to recognise that the nature of these attacks, their impacts and consequences are different, and therefore require comprehensive and specific protection measures.⁶

3 'WGNRR condemns the recent murder of Honduran LGBTQI activist and WHRD Paolo Barraza', Women's Global Network for Reproductive Rights (WGNRR), 3 February 2015, <http://bit.ly/1Wp2XJY>.

4 'WGNRR Demands the Protection of Sexual and Reproductive Rights Defenders in El Salvador', WGNRR, 28 August 2015, <http://bit.ly/27cXskO>.

5 'International Coalition Condemns Human Rights Violations Against W.O.N.E.T.H.A', WGNRR, 1 August 2012, <http://bit.ly/1XkJGlj>.

6 Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, UN Human Rights Council, <http://bit.ly/1Oh1vWM>.

DEFENDING WOMEN HUMAN RIGHTS DEFENDERS

In 1998, the United Nations (UN) adopted the Declaration on Human Rights Defenders, which defined human rights defenders as people who, individually or with others, act to promote or protect human rights and provide for their support and protection. In her first report to the UN in 2002, the UN Special Rapporteur on human rights defenders highlighted the particular risks facing WHRDs.

Documentation can tell stories, create legal or cultural shifts, provide protection, hold people to account for abuses and shape social movements and individual actions.

The Defending Women Defending Rights campaign, established in 2004, brought together an international coalition of representatives from women's rights, human rights and sexual rights groups, to highlight the need for greater recognition of the risks that WHRDs face. In 2008, this evolved into the Women Human Rights Defenders International Coalition (WHRD IC).⁷ The central pillar of the Coalition's work is that WHRDs are attacked for who they are, their gender identity and their struggles for system change and human rights for all. It is both their identity and their work that make them vulnerable to attack, as their activities challenge fundamental assumptions about gender roles in society.

WHRD IC works to promote greater recognition of the work undertaken by WHRDs, develop gendered protection responses, monitor violations and provide platforms for knowledge and skills sharing. WHRD IC members document cases, provide action alerts and emergency support, and work to hold states to account for the protection of WHRDs, and provide redress for victims and their families.

One approach to increasing the recognition of WHRDs is documentation. Documentation can tell stories, create legal or cultural shifts, provide protection, hold people to account for abuses and shape social movements and individual actions. Documentation is a process as well as a product: it records experiences, either as specific incidents or as patterns, and it makes those experiences visible, whether literally or metaphorically.⁸ WHRD IC launched its documentation manual at the 2015 meeting of the UN Commission on the Status of Women. It offers a practical guide for those wanting to undertake documentation and provide greater visibility and better acknowledgement of the work of WHRDs within civil society movements.

As the manual states, "Documentation in a rights context is a process about claiming the rights to speak at all, and to speak of injustice. It implies that survivors, victims, and those that care about them will not be silent. And it is a way of saying 'this situation must be fixed' and 'this must not happen again'."⁹

⁷ Women Human Rights Defenders International Coalition website, <http://bit.ly/1eaPcDC>.

⁸ 'Gendering Documentation - A Manual For and About Women Human Rights Defenders', op. cit.

⁹ Ibid.

SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

The Women’s Global Network for Reproductive Rights (WGNRR), a global network of activists and advocates working on sexual and reproductive health and rights (SRHR), works specifically to gain recognition of SRHR activists and advocates as WHRDs, and undertakes activities to increase knowledge about security protocols among its 1,000 members, encourage documentation of abuses and, together with WHRD IC, build solidarity with WHRDs across civil society in general.¹⁰

On 8 March 2016, experts from the Committee on Economic, Social and Cultural Rights (CESCR) at the UN in Geneva confirmed that, “The right to sexual and reproductive health is not only an integral part of the general right to health but fundamentally linked to the enjoyment of many other human rights, including the rights to education, work and equality, as well as the rights to life, privacy and freedom from torture, and individual autonomy.”¹¹ Advocates and activists working to advance SRHR are therefore human rights defenders.

While many gains have been achieved in access to SRHR since WGNRR began its advocacy and campaigns, we continue to see attacks on our advocates and activists, our WHRDs, around the world. Attacks include the verbal abuse of advocates taking part in marches, and online attacks against websites and individuals via social media. A number of women are currently being held in prison in El Salvador accused of having abortions, and in Hungary Agnes Gereb, a midwife, was held under house arrest from 2010 to 2014 for undertaking home births; in 2016 she will appeal against the suspension of her license to practice handed down by courts in 2015. In February 2016 a WGNRR staff member was held for questioning at Dar es Salaam airport in Tanzania merely for having materials challenging abortion myths in his luggage.

For the 16 Days of Activism Campaign against gender based violence in 2015, WGNRR called for an end to the violence directed at SRHR defenders, as well as their recognition and protection as WHRDs.¹² WGNRR called on governments, civil society and human rights advocates to recognise SRHR activists as WHRDs, particularly those who advocate for safe and legal abortion, LGBTI rights, human rights in childbirth, sex workers’ rights and youth SRHR.

CURRENT OPPORTUNITIES AND CHALLENGES

Recent developments have led to systematic monitoring of WHRDs, and various mechanisms and policies protecting the rights of human rights defenders at the national, regional and international levels. However, despite this growing recognition of the vital role of WHRDs, and the focus on protecting them, violence against WHRDs is on the increase due to militarisation, conflicts

10 WGNRR website, www.wgnrr.org.

11 ‘General Comment No. 22 (2016) on the Right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)’ Committee on Economic, Social and Cultural Rights, 2016.

12 ‘16 Days of Activism: Stop Violence against SRHR defenders!’, WGNRR, 24 November 2015, <http://bit.ly/1rUo1dP>.

over resources and religious or cultural extremism. In March 2016 at the UN Human Rights Council there was an attempt to remove the term WHRD from a resolution on human rights defenders, demonstrating that the need for the special recognition of WHRDs is not universally accepted.

WHRDs are crucial in achieving the goals laid out in the 2030 Agenda for Sustainable Development, and states and the UN must take concrete steps to ensure that WHRDs are protected and recognised as key stakeholders and partners at all levels in implementing the Sustainable Development Goals (SDGs). It is vital that civil society comes together to demand that states facilitate the work of WHRDs, including by ensuring their meaningful participation in the development and monitoring of relevant policies and programmes, including the SDGs, and by creating an environment conducive for WHRDs to carry out their important work free from harassment, intimidation and violence.

WHAT IS NEEDED: A CIVIL SOCIETY RESPONSE

WHRDs are crucial in achieving the goals laid out in the 2030 Agenda for Sustainable Development.

It is important that civil society as a whole recognises that advocates working on stigmatised issues, such as LGBTI issues, the rights of sex workers and abortion rights, are often more vulnerable, particularly because many CSOs shy away from such issues. We need to examine how we are inclusive, not only in protecting the rights of marginalised communities, but also of those working to protect the rights of those communities. To protect our advocates and activists, civil society needs to be able to meet and discuss, share strategies and plan joint actions. At a time when funds for advocacy and activist networks are severely limited, it is important to tell funders that it is critical that resources should be provided to protect the very advocates and activists that we depend upon to bring about social change. Advocates and activists need security training. WHRD organisations need to be able undertake documentation and be supported to better monitor global trends. Collectively, we need to generate coordinated responses to violations as they occur.

As stated by Hina Jilani, UN Special Representative of the Secretary-General on the Situation of Human Rights Defenders, “There is no better protection for women human rights defenders than the strength and support of their own movements.”¹³ Civil society needs to recognise the work of WHRDs so that we can ensure that a stronger and more inclusive civil society movement works together to protect WHRDs, and in doing so better supports the advancement of women’s rights in general, and specifically those working to advance SRHR.

¹³ ‘Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders’, Asia Pacific Forum on Women, Law and Development, 2007.