



CIVICUS House, 24 Gwigwi Mrwebi Street,  
Newtown 2001, Johannesburg, South Africa  
PO Box 933, Southdale 2135, Johannesburg,  
South Africa  
tel +27-11-833-5959  
fax +27-11-833-7997  
email [info@civicus.org](mailto:info@civicus.org)

1425 K Street NW, Suite 350  
Washington, D.C. 20005, USA  
tel +1 202 331 8518  
fax +1 202 331 8774

**QUESTIONNAIRE FOR INPUT INTO THE REPORT OF THE SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS IN AFRICA:  
Women Human Rights Defenders and those working on women's rights and gender issues, April 2013**

**PART I**

1/ Please list and indicate the **types of violations, risks and challenges** that women human rights defenders and those working on women's rights and gender issues experience in carrying out their work in your country and context. *These include violations by both state and non-state actors.*

Since 9/11, the space for civil society to express, associate and assemble has been steadily shrinking globally and particularly in Africa. From Cape Town to Cairo, Nairobi to Luanda, African civil society has increasingly found itself cornered and impeded in its work as restrictive measures and undemocratic practices have multiplied. A number of new laws and policies have been introduced to restrict the work of civil society. There are also increasing reports of motivated prosecutions, harassment, physical abuse and threats to the lives of civil society activists for challenging well-entrenched power structures. These adverse trends present a serious impediment for Women Human Rights Defenders (WHRDs) in their work to protect and promote women's rights. The following are some illustrative examples:

In Uganda, many women's rights groups have expressed extreme frustration with the introduction of an anti-homosexuality bill which, although shelved for now due to international pressure, did manage to invoke considerable anxiety. Apart from punishing sexual relations between people of the same sex with life imprisonment, the wide ambit of the bill called for closure of any civil society organisation that promotes the rights of the LGBTI community. Since most women's rights groups have been critical of the widespread homophobia prevalent in Ugandan society, many felt that this provision was a signal to them to discontinue their advocacy activities and challenging inequalities within society.

In Ethiopia, the controversial Charities and Societies Proclamation brought into force in early 2010, has cut off the funding base of Civil Society Organisations (CSOs) engaged in women's rights advocacy. Under the law, any CSO that receives more than 10 percent funding from abroad is relegated to a service delivery role through prohibitions from working on key areas including advancement of human and democratic rights, gender equality, conflict resolution and accountability

of law enforcement agencies.

Zambia's new NGO law introduced in August 2009 seeks to undermine the independence of CSOs by vesting a government-dominated NGO registration board with far-reaching powers. These include: (i) the power to approve the area of work of NGOs, which allows the government to determine their thematic and geographic areas of functioning and exercise control over their affairs, (ii) the power to provide policy guidelines to harmonise the activities of NGOs with the national development plan, which co-opts NGOs into assisting in the fulfilment of the political priorities of the government reflected in the plan, and (iii) the power to advise on strategies for efficient planning and coordination of activities of NGOs, which treats NGOs as government subsidiaries as opposed to independent entities free to formulate and execute their action plans in line with identified priorities.

2/ Please indicate where you consider these violations, risks and challenges to be **gender-specific** (ie particular to being a woman, or working on women's rights or sexual rights).

For African women activists, and women's organisations, these threats are magnified. Defending women's human rights is often seen by state authorities, and even by communities, as a challenge to culture, tradition and a way of life. Through their work, many directly or indirectly challenge social stereotypes regarding the proper role and status of women. As a result, women activists not only face repression by governments, but also by their families and other community members. Ongoing armed conflicts on the continent place women at even further risk of violence. Courageous women civil society activists carry out their work amidst attacks on their reputations, threats to their families and their own personal safety, as well as detention and severe gender-specific abuse and punishment.

Overall, from CIVICUS' 2011 publication "Report on the Challenges Faced by Women in Civil Society in Africa" it was observed that WHRDs are more prone to targeting, intimidation and harassment in comparison to their male counterparts.<sup>1</sup> CSOs working exclusively on women's rights have to negotiate a fresh set of challenges as opposed to CSOs in general. Furthermore, the risk for WHRDs operating in situations of conflict increases manifold.

Besides some of the challenges faced by their peers in other parts of the world, women in civil society on the African continent have to contend with a number of additional challenges. Given the vast cultural and geographical diversity in Africa, the nature and extent of challenges differs from region to region. Nevertheless, despite the differences, there are some common challenges faced by women human rights defenders (WHRDs) on the continent.

3/ Please indicate the factors in your **external environment which obstruct the work** of women human rights defenders and those working on women's rights and gender issues. *You may consider the following factors: laws and regulations incompatible with human rights standards, state institutions, including the judiciary, and policies, social, cultural or religious norms, attitudes and values in your community or family related to the role of women and the defence of rights.*

---

<sup>1</sup> CIVICUS, *Report on the Challenges Faced by Women in Civil Society in Africa*, March 2011  
<https://civicus.org/en/news-and-resources/reports-and-publications/281-report-on-the-challenges-faced-by-women-in-civil-society-in-africa>

In many African countries, the lack of actual protection for human rights and justice, halting democratic reforms, the existence of deep-rooted poverty, harmful traditional practices, restrictive laws and social attitudes all pose serious threats to the work of civil society activists in the region.

Throughout much of the continent, patriarchal mores govern society with the odds stacked against women both in the workplace and at home. Women in civil society have to fight an uphill battle against cultural norms used to exclude women from decision making forums and downplay their voices. Women human rights defenders defying or speaking against these norms are seen as challenging the fabric of society itself. As a community activist from Nigeria put it, “According to our cultural and social beliefs women are to be seen, not heard. The patriarchal system, social barriers and harmful traditional practices all conspire against women human rights defenders”

Women human rights defender also report extreme vulnerability to the risk of sexual harassment and gender based violence due to the nature of their work, particularly when challenging powerful elements in government or society. Most WHRDs contacted for CIVICUS’ “Report on the Challenges Faced by Women in Civil Society in Africa” reported either themselves being victims of sexual harassment or gender based violence or being privy to their colleagues or close associates experiencing the same.

The perpetrators vary from being police, military or other government officials to non-State actors such as religious and community leaders. Sometimes, WHRDs are harassed by their own colleagues. In a worryingly large number of instances where WHRDs are victims, the perpetrators remain at large, further emboldening them or others to persecute WHRDs.

Physical violence and the threat of violence also continue to be inhibiting factors for WHRDs in carrying out their work. Women activists in many parts of the continent have to operate in an environment that exposes them to high risks of violence. Mainly due to the threat that WHRDs pose to traditional society, they are often subjected to violence. Often, the main perpetrators against WHRDs tend to be police who use brute force to break up peacefully assembling activists.

The mere thought of strong-willed women who are not willing to back down from their positions and who demand justice and social change scare those who hold positions of power within their societies. Most often, the fear is irrational. Traditional holders of power worry that women activists are really trying to create a world without men, or are trying to turn other women against their families. With notions such as these, the seemingly logical reaction is to prevent activists from accomplishing their objectives, which is usually achieved through violence or the threat of violence.

Attacking the reputations of women activists is another key tactic often employed by those opposed to their work. Many times, the defamation hinges on sexuality baiting and spreading of rumours about them to destroy their credibility in society. In social contexts where the status of women is considered inferior to that of men, this creates additional problems for WHRDs. The situation becomes worse if the organisation or activist is actually working on women’s sexuality issues and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people to have control over their sexuality.

4/ Please indicate what the **consequences** are of the violations against women human rights defenders and those who work on women's rights and gender issues. *These may include personal consequences for these defenders, or adverse consequences on organisations and their work, as well as consequences for the advancement of human rights.* Where you consider these consequences to be gender specific, please indicate so.

In addition to the challenges that human rights defenders face, women defenders have the vast challenge of trying to assert themselves as beings with equal capabilities as their male counterparts. Women activists are often the subject of ridicule at civil society meetings through mischievous questions about the positions taken by them such as, "So what are you women up to now?"

The situation is heightened in countries where religion dictates social norms on highly sensitive and controversial issues such as polygamy, child marriage, inheritance and divorce. Oftentimes, women human rights defenders are viewed with distrust and vilified as women of loose morals, traitors or spies because they do not conform to societal norms. Activists report being verbally abused and accused of trying to defy religion by introducing "decadent" western cultures and ideals. Arguing against the gender bias in religious texts comes with a whole set of additional challenges which incite open hostility.

In countries faced with religious insurgency such as Somalia, the situation is one of heightened risk. Violent conflict fuelled by religious fundamentalism has fostered growing intolerance towards women perceived to be challenging religious norms.

Sexual harassment and assault can have a profound impact on a woman's ability to continue her work in civil society. Thus threats to violate the boundaries of a woman's physical sanctity are used as an effective intimidation tool by perpetrators to make her feel helpless. Above all types of sexual harassment or violence, most women fear rape, of themselves and/or their family.

The issue is further exacerbated as often the offence of rape is not reported due to the fear of being further victimised either through violence or stigma. This is one reason for the percentage of prosecuted rape cases remaining extremely low when compared to the total number of cases taking place.

WHRDs also have to contend with the dangers of themselves being victimised when they offer support to victims of sexual harassment or gender based violence. Nevertheless, despite the difficulties and dangers, WHRDs continue to speak out against the perpetrators and carry on in their quest for justice.

## **PART II**

5/ Please indicate any specific State measures adopted and/or implemented to respond to the protection needs of women HRDs and those working on women's rights and gender issues. Please comment on their effectiveness. *These may be legislative measures, policy or specific strategies or programmes or national institutions, including early warning mechanisms.*

Despite barriers, work on gender equality and women rights has been well articulated by women activists and women organisations across the continent. The pressure mounted by women activists

in Africa has led to the formation of policies and laws at national and regional levels that enshrine their social, economic and political rights. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the African Union Summit in Maputo in 2002 is a testament to the advocacy work by African women's networks as well as human rights organisations.

The African Union has been able to make an important contribution to international legal standard setting on women's rights through the **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa** (Maputo Protocol; 2003). The Maputo Protocol lays forth explicit rights and protections guaranteed to women, including the rights to dignity, life, integrity, security and equal status, and protections similar to those afforded to men in marriage and divorce. Notably, the Protocol calls upon States to integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities. The Protocol recognises the right of women to live in a positive cultural context and also lays stress on the health of women, including sexual and reproductive rights, which is one reason it has been sharply criticised by some religious and traditional groups. Unfortunately, only 28 of the 53 Member States of the African Union have ratified the Maputo Protocol.

The Southern African Development Community (SADC), made up of 15 Southern African and island nations, adopted a **Protocol on Gender and Development** (2008), which espouses the basic principles of the Maputo Protocol and sets specific goals to be achieved by 2015, such as to enshrine gender equality and equity in all SADC constitutions and to ensure that these rights

During the Third World Conference on Women, the 157 countries present adopted by consensus the **Nairobi Forward-Looking Strategies for the Advancement of Women** (1985), which provides for equality amongst genders, women's autonomy and power, recognition of women's unpaid work and advances in women's paid work.<sup>9</sup>

The African Union has been able to make an important contribution to international legal standard setting on women's rights through the **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa** (Maputo Protocol; 2003). The Maputo Protocol lays forth explicit rights and protections guaranteed to women, including the rights to dignity, life, integrity, security and equal status, and protections similar to those afforded to men in marriage and divorce.

6/ Where these measures exist, how have the **specific needs** of women human rights defenders and those working on women's rights and gender issues been taken into account in the designing and implementation of these measures?

A Pan-African Conference on Human Rights Defenders was organised in Kampala in April 2009 where several African and international NGOs, the diplomatic corps and four African Union commissioners met to discuss and adopt the **Kampala Plan of Action for Human Rights Defenders** (KAPA; 2009). The KAPA calls for greater cooperation between different African networks of human rights defenders, improved training to help implement African and international protection mechanisms and increased response by States, intergovernmental organisations and NGOs on the protection of human rights defenders.

The **Kigali Declaration** (2003) adopted by the African Union Ministerial Conference on Human

Rights in Africa reaffirms the principles brought forth by the Grand Bay Declaration and “recognise[d] the importance of civil society organisations (CSOs) in general and human rights defenders in particular, in the promotion and protection of human rights in Africa”.

The **Grand Bay (Mauritius) Declaration and Plan of Action** (1999) adopted at the first OAU Ministerial Conference on Human Rights in Africa stressed the importance of the UN Declaration on the Protection of Human Rights Defenders by the 54<sup>th</sup> Session of the UN Commission on Human Rights and appealed to the Member States of the OAU to adopt and implement the declaration in Africa. Additionally, the Declaration urges all African States to work assiduously towards the elimination of discrimination against women and the abolition of cultural practices which dehumanise or demean women and children.

7/ What short term and what long term actions do you think the State must take in order to protect women human rights defenders and those who work on women’s rights and gender issues? *You may want to include your thoughts on what the State should do to create and sustain an environment where women HRDs can work without fear or hindrance; You may also want to discuss emergency measures should the state put in place that would be appropriate to the needs of women human rights defenders and those who work on women’s rights and gender issues?*

Although many African States have adopted the international and regional instruments that protect human rights such as The African Charter on Human and Peoples’ Rights, a lot still needs to be done in terms of practically implementing these instruments to protect human rights defenders, especially for women who are more vulnerable in this aspect. Despite strides that have been made in terms of acknowledging the role and the rights of women, the research found that the deeply rooted cultural, religious and patriarchal perceptions continue to have a major influence on the lives of WHRDs. These factors are a major challenge.

Government ratification of international and regional protocols that protect women human rights defenders; establishment of institutions, e.g. human rights institutions and others supportive of women’s rights such as women’s commissions and/or equal opportunities commissions by countries that haven’t done so; ensuring the creation of a conducive legal and policy framework that protects the space of women human rights defenders, and analysis of the culture and legal frameworks that discriminate against women at social and economic levels.

Cycles of violence are visible in many African countries, especially at times of elections. Women human rights defenders have been particularly vulnerable in such political situations, with rape having been used as a weapon for gaining political power. The absence of human rights commissions in many African countries has also left open doors for human rights violations to go unpunished. Establishing independent human rights and gender commissions in African States that could enforce adherence to international and regional human right resolutions would provide a safe platform for women human rights defenders to amplify their voices. Capacity building for legal practitioners and human rights defenders is also vital for developing the knowledge and networks necessary for effective human rights advocacy.

8/ What **recommendations** would you make to **each** the following stakeholders to ensure the promotion of the work of women HRDs and those working on women’s rights and gender issues, and of their protection:

*states; national human rights institutions; Local, regional and international NGOs; other civil society organisations and movements; the African Commission on Human and Peoples' Rights; the African Court on Human and People's Rights; and / or the African Union?*

### **Civil Society**

- There should be greater solidarity within civil society to focus on the particular needs and situation of women human rights defenders through joint statements, coalition building and sharing of alerts
- Within the continent a focus is needed on building regional coalitions and cross border solidarity to highlight women related issues
- There needs to be greater emphasis on capacity enhancement for women's organisations, particularly with regard to linking international standards with work at the local level
- Civil society coalitions should effectively utilise every possible local, regional and international forum to submit reports on the situation of women's rights and the challenges faced by women human rights defenders
- Efforts should be made to highlight best practices and lessons learnt with respect to women's rights from other southern contexts, including from within Africa but also beyond, such as Latin America and Asia
- Grassroots and community based groups should be provided knowledge and information about engagement and lobbying opportunities on a policy level
- Regular information should be shared with UN and African Special Representatives and Rapporteurs
- Strategies for engaging special human rights courts should be put in place
- Street theatre should be utilised for changing societal attitudes
- Men should be actively engaged in mobilisation strategies on women's rights
- Protection related training and capacity enhancement activities should be undertaken

### **National Governments**

- All reservations to CEDAW provisions should be withdrawn to ensure equal protection of the law for women
- Urgent steps should be taken to ratify the Maputo Protocol protecting women's rights by countries that have yet to ratify it
- Countries that have ratified the Maputo Protocol should carry out internal reviews of their compliance with it in domestic law and practice
- Urgent steps should be taken to establish national human rights institutions and other institutions supportive of women's rights such as women's commissions and/or equal opportunities commissions by countries without them at present
- Efforts should be made to ensure that national human rights institutions and other institutions supporting women's rights, such as women's commissions and/or equal opportunities commissions, are both well resourced and independent
- Specific national policy should be articulated with respect to protecting civil society and human rights defenders in general and women defenders in particular
- Specific legislation protecting women's rights defenders should be drafted and implemented in consultation with civil society
- Women human rights defenders should be consulted by government and parliament whenever legislation impacting women's rights is being considered
- Discriminatory legal provisions in respect of marriage, divorce, guardianship and inheritance rights of women should be urgently repealed

- Good practices in respect of women's rights should be shared and encouraged as an example of south-south cooperation

### ***African Union and Regional Bodies***

- Periodic meetings should involve feedback from member states with regard to the steps they have taken to protect women's rights
- Agenda of protecting and expanding space for civil society space through both law and practice should be prioritised to influence national governments to respect civil society freedoms
- Regional bodies should create their own gender protocols and mechanisms to protect Periodic consultations should be carried out with women human rights defenders to shape the intergovernmental agenda towards women's rights issues
- Regional tribunals should incorporate a human rights approach into their work with particular attention to the protection of women's rights
- Special funding should be created to offer financial support to civil society initiatives on women's rights

### ***International Community***

- Women's rights issues and the protection of women human rights defenders should be mainstreamed at major international and regional events
- Greater pressure should be placed on governments to remove reservations to CEDAW as well as repeal discriminatory legislation based on religious and cultural beliefs
- Efforts should be made to bring local women human rights defenders to international forums as a means of directly highlighting the issues faced by them
- Financial support to women human rights defenders should be prioritised

9/ Are there any other issues related to the situation of women human rights defenders that you would like to bring to our attention? If so please do so briefly in 1 or 2 paragraphs.

Since December 2012, at least 20 cases of sexual assault committed against female activists and demonstrators have been reported in Egypt. It was reported that groups supported by the Muslim Brotherhood have been responsible for the majority of the attacks committed during peaceful demonstrations held in December in response to a new draft constitution submitted by Egyptian President Morsi. Most attacks are thought to have taken place in a particular section of Tahir square by groups of men of up to 50 at approximately the same time each evening during the protests.

### **FOR MORE INFORMATION PLEASE CONTACT:**

Tor Hodenfield, Policy and Advocacy Officer, CIVICUS

E: [Tor.hodenfield@civicus.org](mailto:Tor.hodenfield@civicus.org)

M: +27 (0) 11 833 5959 ext. 110



## **QUESTIONNAIRE BACKGROUND INFORMATION**

In accordance with the Resolution ACHPR/Res.230 (LII) 2012 on the need for a study on the situation of women human rights defenders in Africa adopted by the African Commission on Human and Peoples' Rights (the Commission) during its 52<sup>nd</sup> Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d'Ivoire, the Special Rapporteur on Human Rights Defenders in Africa, Commissioner Reine Alapini-Gansou is preparing a report focusing on the situation of women human rights defenders in Africa and their protection needs. The report will be presented to the African Commission on Human and Peoples' Rights (ACHPR) in April 2013.

The Special Rapporteur recognises that women defenders face particular risks in carrying out their work, and that understanding the gender dimension of their experience is fundamental to addressing their protection needs.

The Special Rapporteur understands women human rights defenders to be any woman activist who is involved, individually or in association with others, in the promotion and protection of human rights; and anyone who works on women's rights and gender issues irrespective of their sexual orientation. This includes activists working in human rights organizations, and activists working at grassroots level independently or in a group.

The Special Rapporteur will be using several approaches to get input from States, National Human Rights Institutions (NHRIs) and women human rights defenders into her upcoming report. These will include disseminating this questionnaire, holding focus group discussions, and carrying out desktop research.

## **ABOUT THIS QUESTIONNAIRE**

We would appreciate it if you would complete this questionnaire as fully as possible. Please feel free to make reference to your own personal experience, information about defenders other than yourself, as well as research materials that you may have produced on the situation of women human rights defenders.

For NGOs and individual human rights defenders: where you so wish, your identity will remain confidential, with only the country where you operate disclosed.

Please complete the questionnaire in either Arabic, English, French, or Portuguese

Please send the completed questionnaire to: Sylvestre PAKABOMBA , [spakmuk@yahoo.fr](mailto:spakmuk@yahoo.fr), Claude NDEMEYE, [claudende5@yahoo.fr](mailto:claudende5@yahoo.fr), or Anita BAGONA, [bagonaa@yahoo.fr](mailto:bagonaa@yahoo.fr) by 31 December 2012 at the latest.