

WOMEN HUMAN RIGHTS DEFENDERS



Human rights defenders play an important role promoting accountability and respect for international human rights standards.

Women who act to promote or protect human rights and all individuals who defend the human rights of women or work for gender equality – collectively known as “women human rights defenders” (WHRDs)¹ – are often targeted with particular forms of violence and harassment. Defenders working on sexual and reproductive health and rights are at heightened risk in many countries. These defenders can be civil society representatives, grassroots activists, lawyers, journalists, parliamentarians, members of the judiciary, and service providers who often help ensure that women can exercise their rights.

International human rights bodies have raised concerns about restrictions on defenders’ freedom of opinion and expression, freedom of movement, assembly and association as well as on their ability to access funding for their work. Restrictions can involve bans on dissemination of information, limitations on advocacy activities and obstacles to register organizations in countries where such registration is required. In addition, when they defend the rights of individuals whose behavior is criminalized (for example, LGBT individuals, sex workers, drug users, people living with HIV, or others) they often face additional dangers.

The United Nations Declaration on Human Rights Defenders² reaffirms rights that are essential for WHRDs, including, freedom of opinion and expression, freedom of peaceful assembly, freedom of association, the right to access funding and the right to develop and discuss new ideas in the area of human rights. Defenders also have the right to make complaints about policies relating to human rights, to have such complaints reviewed and to benefit from an effective remedy. The Declaration “does not create new rights but instead articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders.”³

Like human rights defenders generally, WHRDs can become targets of State agents and non-State actors. They face all of the same risks as human rights defenders generally. However WHRDs can also face gender-specific threats and violence, such as rape and sexual violence. In addition to causing physical and psychological harm, these forms of violence can have adverse social consequences, such as stigmatization and discrimination. Attacks against WHRDs often focus on their reputation and/or their sexuality as non-conforming with dominant stereotypes of appropriate female or male behaviour. As a result, WHRDs may find themselves isolated and ostracized by their communities.

WHRDs can also face additional risks from their own families and communities. Thus, for instance, they can be the target of religious extremism and accused of promoting foreign values. Moreover, WHRDs work within the reality of dominant gender stereotypes, which means they can be easily targeted when participating in collective public actions because such a role does not fit perceptions of the “appropriate” place of women or men in society. In conflict situations, these threats and risks are often exacerbated.

The particular challenges and violations that WHRDs face call for gender-specific protection measures and programmes. As the Special Rapporteur on the situation of human rights defenders has explained, these challenges

“cannot be conceived as separate from the political, social, economic, environmental, and other systemic factors which produce and reproduce conflict, displacement, inequality, violence, patriarchal attitudes and practices which are at the root of these challenges. The security of such defenders is inherently linked to the security of their communities and can only be fully achieved in the context of a holistic approach which includes the deepening of democracy, the fight against impunity, the reduction of economic inequalities, and striving for social and environmental justice, among others.”⁴

WOMEN HUMAN RIGHTS DEFENDERS ARE BOTH FEMALE HUMAN RIGHTS DEFENDERS, AND ANY OTHER HUMAN RIGHTS DEFENDERS WHO WORK IN THE DEFENSE OF WOMEN’S RIGHTS OR ON GENDER ISSUES



“DEFENDERS WHO WORK ON SEXUAL AND REPRODUCTIVE RIGHTS FACE RISKS INCLUDING HARASSMENT, DISCRIMINATION, STIGMA, CRIMINALIZATION AND PHYSICAL VIOLENCE. IN CERTAIN COUNTRIES, HEALTH PROFESSIONALS, AS A RESULT OF THEIR WORK, ARE REGULARLY TARGETED AND SUFFER HARASSMENT, INTIMIDATION AND PHYSICAL VIOLENCE.”



DEFENDERS WORKING ON EQUALITY FOR LGBT INDIVIDUALS ARE TARGETED FOR THEIR WORK, HARASSED, AND SOMETIMES KILLED.

Source: Special Rapporteur on the situation of human rights defenders



COMMUNICATIONS CONCERNING
 WOMEN HUMAN RIGHTS DEFENDERS
 SENT BY THE SPECIAL RAPPORTEUR
 ON THE SITUATION OF HUMAN RIGHTS
 DEFENDERS BETWEEN 2004 AND 2014*



YEAR	TOTAL NUMBER OF HRD COMMUNICATIONS	TOTAL NUMBER OF WHRD COMMUNICATIONS	% WHRD OF TOTAL
2004	315	93	29.5
2005	315	95	30.2
2006	370	144	38.9
2007	372	110	29.6
2008	489	179	36.6
2009	270	113	41.9
2010	237	76	32.1
2011	238	74	31.1
2012	252	86	34.1
2013	237	77	32.5
2014	233	73	31.3
TOTAL	3328	1120	33.7

Source: Special Rapporteur on the situation of human rights defenders *Data includes only cases of individual female defenders

KEY ISSUES

1 TRENDS RESTRICTING THE RIGHTS OF HUMAN RIGHTS DEFENDERS

Despite the recognition in international law, human rights bodies have raised concerns about restrictions of rights on defenders working on sexual and reproductive health and rights.

According to the Special Rapporteur on human rights defenders, “denial of registration for human rights associations and NGOs is the most extreme measure by governments curtailing the right to freedom of association, especially in instances where activities carried out in the framework of unregistered entities carry criminal sanctions with it.”⁵ The Special Rapporteur has highlighted threats to these defenders at their places of work, including police raids and confiscation of computers and documents. “Where computer files have contained information about sexual orientation and HIV prevention, including about condom use, staff and volunteers of LGBT groups have sometimes been arrested or harassed.”⁶

With respect to restrictions on freedom of expression, UN special procedures have stated that many restrictions—including direct censorship, bans on dissemination of information and restrictions on legitimate advocacy—are often “justified on grounds of alleged threats to public health, morality or State security.” These restrictions “can have a deleterious impact on public health efforts, including in relation to transmission of the HIV virus.”⁷



STATES OFTEN INVOKE “PUBLIC MORALITY” TO JUSTIFY LIMITATIONS ON THE RIGHTS TO FREEDOM OF ASSOCIATION AND EXPRESSION.

The International Covenant on Civil and Political Rights provides that these rights may be restricted only when such restrictions are provided for by law, are necessary in a democratic society and are for a legitimate purpose. Thus, although States can limit these rights in some circumstances, States must ensure that these limitations are **not discriminatory and do not prevent the enjoyment of rights recognized under international law.**⁸



The right to freedom of opinion and expression includes the right of all people “to seek, receive and impart information and ideas of all kinds.”⁹

The Human Rights Committee has clarified that it may also protect expression regarded as offensive by others.¹⁰ Freedom of expression is crucial to the work of defenders because it protects the “monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.”¹¹



Freedom of association is equally important to defenders because it involves “the right of individuals to interact and organize among themselves to collectively express, promote, pursue and defend common interests.”¹²

The Special Rapporteur on human rights defenders has emphasized that the promotion and protection of human rights is a legitimate purpose for an association. This is also recognized by the Declaration on human rights defenders, which establishes the right of everyone, “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.”¹³

Human rights defenders are also targeted with judicial harassment and criminalization of their work.

The Special Rapporteur on human rights defenders has expressed concern about the trend of judicial harassment against defenders working on sexual and reproductive health and rights in relation to laws on public morals. Article 11 of the Declaration on human rights defenders recognizes the right of everyone “to the lawful exercise of his or her occupation or profession.”¹⁴ Despite this recognition, the trend has been to criminalize defenders’ work, including by bringing false charges against them.

*Women human rights defenders are subjected to stigmatization.*¹⁵

Although human rights related to sexuality and sexual and reproductive health have been broadly recognized under international law, WHRDs working on these rights continue to be under attack in many parts of the world. For example, WHRDs working on HIV prevention or women’s access to safe abortion services are often targeted by groups that oppose these rights.¹⁶ The Special Rapporteur has noted the role of the media in these types of attacks, highlighting the “stereotypical portrayals and insults used against women defenders working on issues such as rape, domestic violence and female genital mutilation.”¹⁷ According to the Special Rapporteur, such stigmatization often legitimizes attacks against them.¹⁸

2 CERTAIN GROUPS OF HUMAN RIGHTS DEFENDERS FACE PARTICULAR RISKS

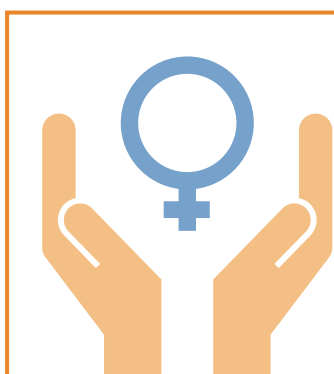
Women human rights defenders working on sexual and reproductive health and rights are more at risk of being targets of certain forms of violence.

The Special Rapporteur on human rights defenders has highlighted that the work of WHRDs is often perceived “as challenging ‘traditional’ notions of the family which can serve to normalize and perpetuate forms of violence and oppression of women. This can, in certain contexts, lead to hostility or lack of support from the general population, as well as the authorities,”¹⁹ and their own families and communities. This is, for example, the case of women defenders campaigning against female genital mutilation²⁰ or working on the ban on therapeutic abortion.²¹

Medical and health professionals upholding sexual and reproductive health and rights are considered a distinct group of defenders.

Because these professionals provide sexual and reproductive health services, they “ensure that women can exercise their reproductive rights.”²² According to the Special Rapporteur, these professionals are frequently targeted as a result of their work and face harassment, intimidation and physical violence in many countries. In some cases, attacks against health professionals perpetrated by non-State actors have resulted in killings and attempted killings.²³

HUMAN RIGHTS MECHANISMS HAVE RECOGNIZED THE IMPORTANCE OF PROVIDING VISIBILITY AND RECOGNITION TO THE WORK OF WHRDs AS A FORM OF PROTECTION. IN A RECENT RESOLUTION, THE GENERAL ASSEMBLY URGED *“States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against women human rights defenders.”*²⁴



“THE SPECIAL RAPPORTEUR REGRETS THAT, IN MANY COUNTRIES, THERE ARE NO SPECIFIC MECHANISMS IN PLACE TO PROTECT WOMEN DEFENDERS AND THOSE WORKING ON WOMEN’S RIGHTS AND GENDER ISSUES. IN COUNTRIES WHERE SUCH MECHANISMS EXIST, THEY ARE OFTEN HAMPERED BY A LACK OF GENDER-SENSITIVITY, IMPLEMENTATION OR POLITICAL WILL. THE SPECIAL RAPPORTEUR STRONGLY BELIEVES THAT WOMEN DEFENDERS NEED SPECIFIC AND ENHANCED PROTECTION AND TARGETED AND DELIBERATE EFFORTS TO MAKE THE ENVIRONMENT IN WHICH THEY OPERATE A SAFER, MORE ENABLING AND SUPPORTING ONE.”²⁵

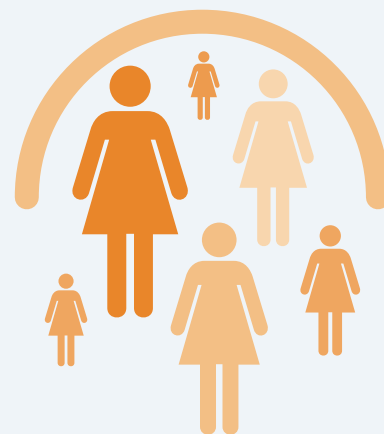


STATES HAVE OBLIGATIONS TO RESPECT, PROTECT AND FULFIL THE RIGHTS OF WOMEN HUMAN RIGHTS DEFENDERS

RESPECT States should refrain from stigmatizing WHRDs. “A common accusation directed in particular at those working on women’s rights, gender issues, and LGBT rights, is the assertion that these defenders are somehow advocating or attempting to import “foreign” or “Western” values which contradict national or regional culture. State agents or representatives are often alleged to be responsible for such stigmatization.”²⁶ Public recognition of the legitimacy of the work of WHRDs is a first step to preventing or reducing threats and attacks against them.

PROTECT In some States, human rights defenders are subjected to denigration campaigns by the media and other non-state actors. For example, WHRDs working on sexual and reproductive health and rights may be subjected to threats and smear campaigns by groups opposing these rights. The obligation to protect requires States to exercise due diligence in preventing, punishing and redressing harm caused by private parties.²⁷

FULFIL States should provide an enabling environment for WHRDs to be able to do their work. State authorities should, in consultation with defenders, establish effective and gender sensitive protection mechanisms to facilitate their work, promote projects to improve and further develop the documentation of cases of violations against WHRDs, and increase material resources for their immediate protection to guarantee their effective physical and psychological protection.



NOTES

- 1 Special Rapporteur on the situation of human rights defenders, A/HRC/16/44 (2010), para. 30.
- 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 (1999).
- 3 United Nations Office of the High Commissioner for Human Rights, Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29, p. 19.
- 4 A/HRC/16/44, para. 103.
- 5 A/64/226 (2009), para. 67.
- 6 Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41 (2011), para. 63.
- 7 Ibid., para. 65.
- 8 Human Rights Committee, General Comment 34 (2011) on freedoms of opinion and expression, para. 26; General Comment 22 (1993) on the right to freedom of thought, conscience and religion, para. 8.
- 9 Human Rights Committee, General Comment 34, para. 11.
- 10 Ibid.
- 11 Special Representative of the Secretary-General on human rights defenders, A/58/380 (2003), para. 14.
- 12 Special Representative of the Secretary-General on human rights defenders, A/59/401 (2004), para. 46.
- 13 Article 1.
- 14 Article 11.
- 15 Special Rapporteur on the situation of human rights defenders, A/HRC/16/44 (2010), para. 85.
- 16 Center for Reproductive Rights, Human Rights Watch, Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM), Defenders of Sexual Rights and Reproductive Rights: a Briefing Paper to the Special Rapporteur on Human Rights Defenders, available at <http://reproductiverights.org/sites/crr.civaccations.net/files/documents/CRR-HRW-CLADEM-BriefingPaper-SRHRD.pdf>.
- 17 A/65/223 (2010), para. 19.
- 18 Ibid., para. 17.
- 19 Ibid., para. 23.
- 20 A/HRC/16/44/Add.1 (2010), paras. 852-858.
- 21 A/HRC/16/44/Add.3 (2010), paras. 580, 581, 582, 587, 589, 590.
- 22 A/HRC/16/44, para. 45.
- 23 Ibid.
- 24 United Nations General Assembly resolution 68/181 (2014), para. 7.
- 25 Special Rapporteur on the situation of human rights defenders, A/HRC/25/55 (2013), para. 100.
- 26 A/HRC/16/44 (2010), para. 85.
- 27 Human Rights Committee, General Comment 31 (2004), on the nature of the general legal obligation imposed on States parties to the Covenant, para. 8.