

WOMEN HUMAN RIGHTS DEFENDERS INTERNATIONAL COALITION



GLOBAL REPORT

**ON THE SITUATION OF
WOMEN HUMAN RIGHTS DEFENDERS**

Global Report on the Situation of Women Human Rights Defenders

Women Human Rights Defenders International Coalition
January 2012

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Writer: Kaavya Asoka

Editor: Stephanie Long

Coordination and Editorial team: Immaculada Barcia, Cecile Gaa,
Eleanor Openshaw, and Misun Woo

Layout and design: Edgardo Legaspi

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The *Global Report on the Situation of Women Human Rights Defenders* is an initiative of the Women Human Rights Defenders International Coalition (WHRD International Coalition) to articulate the challenges faced by women human rights defenders and how best to respond to them.

The WHRD International Coalition Global Report Working Group, which produced this report, is made up of the following organisations:

- 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 (ISISWICCE)
- 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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Executive Summary

The *Global Report on the Situation of Women Human Rights Defenders*, hereon referred to as the *Global Report*, reflects the growing body of analyses produced by the members of the Women Human Rights Defenders International Coalition (WHRD International Coalition) since 2005. It demonstrates the evolution of our articulation of challenges to women human rights defenders (WHRDs), the source of these challenges and how best to respond to them. The use of 43 cases studies selected by WHRD International Coalition illuminate specific trends and experiences of WHRDs. The cases provide a vivid glimpse of the landscape in which WHRDs live and work.

The main focus of the *Global Report* is on the context 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 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 that they do on gender-related issues. Focusing this report on context 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 *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 the work of WHRDs is informed 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 analysis and case studies. However, it is also clear that the division of experiences into separate contexts is arbitrary as more-often there is considerable interplay between 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 across the board. It is not only in 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* of 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.

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 government. The failure of States to fulfil their obligation to protect individuals from 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, 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 (LG-

BTI) 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 for their identities. 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 confront in their communities.

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

Just as WHRDs are uniquely affected by the context in which they work, the gendered responses and the risks faced because of what they do and their gender identities, strategies to ensure protection of WHRDs have to be designed and implemented with these in mind. The *Global Report* explores strategies implemented to protect WHRDs at risk, as well as strategies to address the structural challenges WHRDs 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 these are 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 the under-developed documentation to systematically 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. Given that the protection of WHRDs, along with all human rights defenders, is enshrined in the *United Nations Declaration on Human Rights Defenders* and the fundamental freedoms guaranteed under international human rights law, they cannot remain invisible.

Introduction and Guide to Reading the Global Report

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 (WHRDs) worldwide. WHRDs are women active in human rights defense who are targeted for who they are, as well as those active in the defense of women's rights who are targeted for what they do.¹ This includes human rights activists who are women, as well as other activists (whether male, lesbian, gay, bisexual, transgender or intersex) who also defend the rights of women and sexual rights.

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.....

WHRD International Coalition launched an international campaign on WHRDs in 2005, coinciding with the Sri Lanka Consultations whereby WHRDs came together to discuss progress on the implementation of Declaration of Human Rights Defenders.² 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 Consultations sharing testimonies and experiences.³ One of the primary conclusions was that WHRDs face the same gamut of risks faced by all human rights defenders (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. Comparable charges are far less frequently made against male HRDs. Such accusations have been used to justify and incite violent retaliation against WHRDs.

¹ This is a growing common understanding of WHRDs. See: Women's Human Rights Defenders International Coalition (WHRD International Coalition), *Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders* (Chiang Mai, Thailand: Asia Pacific Forum on Women, Law and Development (APWLD), 2007)

² UN General Assembly, *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', (A/RES/53/144 adopted on 8 March 1999). Available at: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Translation.aspx>.

³ For longer discussion on the Sri Lanka Consultations see: Sunila Abeysekera, *Re-contextualising Women Human Rights Defenders*, (Unpublished AVID discussion paper for the WHRD International Coalition, August 2011)

The Sri Lanka Consultations 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 with 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. These lead to their isolation, silencing and self-censorship, making them more vulnerable to abuse and violations, and perpetuating the culture of impunity.

Both the Sri Lanka Consultations and the WHRD International Coalition believe that recognizing the situation of WHRDs is critical. This is because it is only if a WHRD's active engagement in the protection and promotion of human rights is seen and accurately understood, that s/he may be ensured the protection s/he is entitled to. Difficulties, obstacles and violations 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 Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, focused her third annual report in 2010 on WHRDs, and this has been an important step towards international recognition of the challenges they face.⁴ The Special Rapporteur's report was advocated for by WHRD International Coalition members, and presents a number of recommendations to strengthen protection of WHRDs.

The *Global Report* advances 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 defending women's rights and sexual rights. The WHRD International Coalition finds contextual analysis 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'

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The Global Report advances 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 defending gender-based rights. The WHRD International Coalition finds contextual analysis 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.
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⁴ The Special Rapporteur's report was presented to the Human Rights Council in December 2010. See: *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, (A/HRC/16/44, 20 December 2010)*. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/16/44

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 in all cases a thorough consent process has been followed. The report's analysis draws from these case studies, as well as from WHRD International Coalition written materials and dialogues held with activists throughout 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 into 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 surface the specific experiences of WHRDs and ensure appropriate responses to them.

It is intended that the *Global Report* be primarily an advocacy and capacity building tool, 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 level.

How to read this 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.⁵ For this reason, the

⁵ 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 ideolo-

Global Report also aims to draw attention to the broader contexts in which WHRDs carry out their activism and to the structural issues that they challenge.

Chapter 2: Violations against WHRDs

The *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.⁶ This typology was drawn from the rights codified in the UN Declaration on Human Rights Defenders 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* does not purport to offer 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

gies have informed 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.

⁶ WHRD International Coalition, op. cit., pp. 49-52.

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The Global Report examines contexts in which the work of WHRDs is informed by five key phenomena: fundamentalisms; militarization and situations of conflict; globalization; crises of democracy or governance; and heteronormativity.
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broader, ongoing process of collecting and systematizing information and analyses on issues of concern for WHRDs.

The cases are numbered sequentially, and a full list of cases can be found 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, contexts, violations and strategies. This also exemplifies the multiplicity and complexity of issues or 'contexts' that WHRDs face. Where necessary, the names of WHRDs have been changed in some of the cases to protect their identities.

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 mis-recognized because of their entanglement with other aspects such as class, race, 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 often considered normal because of deeply ingrained patriarchal assumptions of women’s roles and responsibilities underlying the way in which these threats are perceived and articulated.

We define ‘context’ as the dominating discourses and ideologies that can both serve to justify or reinforce discriminatory 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 systematically 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.

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Examining the broader context allows one to ensure that the experience of WHRDs is appropriately acknowledged within the human

rights framework of violations—that is, 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 risks 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 broader 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?

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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 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.
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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.⁷ 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.⁸ 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.

⁷ Ibid., p. 23.
⁸ Ibid., p. 24.

Both patriarchy and heteronormativity are formative ideologies in perception of gender, gender relations, identity, and responsibilities. WHRDs actively challenge both how women are expected 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 WHRDs confront because of who they are and what they do.

.....
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.....

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

Each of these contexts are explored in the subsequent sections of this chapter.

A. Contexts Characterized by Fundamentalist and Other Discourses

What do we mean by ‘fundamentalisms’?

In this report, the term ‘fundamentalisms’ is used to refer to the strategic deployment of monolithic cultural, religious, ethnic, or nationalist discourses for the purpose of securing hegemonic political power—that is, fundamentalisms mobilize certain ideologies to gain power over communities.⁹ Fundamentalist ideologies seek to simplify and homogenize concepts of religion, nationhood, or culture to project them as ‘pure’, ‘authentic’ or otherwise static entities with

⁹ Madhu Mehra, *Fundamentalisms in Asia Pacific: Trends, Impact, Challenges and Strategies Asserting Women’s Rights*, (Chiang Mai: APWLD, 2008) p.2. Also see: Asia Pacific Forum on Women Law and Development (APWLD), *Different but not Divided: Women’s Perspectives on Inter-Sectionality (Summary Report of the Asia Pacific Regional Consultation with the UN Special Rapporteur on Violence against Women, 11-12 January 2011, Kuala Lumpur)*, (Chiang Mai: APWLD/WAO, 2011). p.16.

fixed meanings, which seek to exclude, castigate, or violently punish persons and views that fail to conform to its rigid categories. One of the critical features of fundamentalisms of any kind, therefore, is the impossibility of divergence from the ‘fundamental’ tenets that they espouse and seek to impose. The aim of delineating between those who comply and those who diverge from the tenets of a fundamentalist ideology is to justify their exclusion from a particular group, thereby according power to those who comply while denying or punishing those who do not. In its extreme form, fundamentalism sanctions the destruction of the members of the excluded group.

The accumulation and deployment of political and social power is the common basis of fundamentalisms, and understanding this is critical to responding to different types of fundamentalist phenomena. ‘Majoritarian’ fundamentalisms such as nationalism may seek domination over minorities by marking them as ‘others’ who threaten an imagined homogenous community. The ‘other’ is denied the rights, privileges and power of the majority. ‘Minoritarian’ fundamentalisms draw on cultural, religious or ethnic authenticity ‘to mark its boundaries as a community and exercise complete control

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.....

over the community’.¹⁰ With respect to the latter, it is important to distinguish between the politics of minority movements that seek to assert their cultural identities through a nuanced and inclusive renderings of class, race, sexuality and gender, and the exclusionary politics of others groups who may use ‘culture’ to justify homogenous communities and extinguish dissent for the purpose of consolidating their power. In many cases, the same fundamentalist actors may employ different tactics for different issues, exhibiting an exceptionally progressive view in certain areas while continuing to impose patriarchal views on women in others.

All forms of fundamentalisms—religious, cultural, nationalist, or ethnic fundamentalisms—not only share a common goal for social and political power, but may also share similarities in terms of the tactics and language that they use to structure their movements and ideologies, and understanding them as such can be an asset to responding to and dismantling these movements.

How can we make sense of fundamentalist contexts today?

The growth of fundamentalisms and its influence over sections of different populations can be understood against the backdrop of various inter-related economic, political, and social factors.

¹⁰ Ibid., p. 5.

Neo-liberal policies, globalization and the on-going financial crisis exacerbate poverty, increasing disparities in wealth, fewer economic opportunities and unequal access to resources.¹¹ The pervasive sense of discontent accompanying these developments has been identified as a key factor in allowing religious fundamentalist ideologies to take root and flourish. Whether they may be experienced by marginalized or adversely affected local communities who are unequal partners in development projects, or, for example, diasporic communities abroad who may view the attrition of their ‘home cultures’ by the forces of ‘Westernization’, fundamentalist actors may opportunistically capitalize on perceptions of ‘injustice’ by communities in which they operate in order to fortify their movements.

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While religion and religious fundamentalisms are not synonymous, the rise in religiosity has frequently been exploited for the promotion of discriminatory agendas.
.....

Additionally, the mobilization of religious and national identities in freedom struggles of the 20th century against colonial domination has seen a resurgence in response to the threatened fragmentation of national identities fuelled by economic and political inequalities.¹² The strategic use and appropriation of colonial histories and religious identities by both secular and religious states, as well as the strengthening of pan-national identities, is aimed at articulating power against ‘common enemies’, whether regional rivals, local secessionist movements, or minority ethnic or religious groups. This has been manifested by the use and promotion of religious fundamentalisms or extremist nationalisms by political forces, from organized political parties to extremist movements or groups that may not have any particular institutional standing.

While religion and religious fundamentalisms are not synonymous, the rise in religiosity has frequently been exploited for the promotion of discriminatory agendas, given the highly gendered beliefs and practices inherent in contemporary interpretations and practices of many different religions.¹³ Susceptibility to the simple universalism and the ‘promise of certainty’ that accompany many religious beliefs has grown in response to the often daunting complexities, uncertainties, and effects of globalization as well as its accompanying processes. Similarly, the erosion of cultural or so-called ‘traditional’ forms of identity due to the seeming encroachment of globalization—for example, with the accompanying cultural, economic or political ‘invasions of the West’ in ‘developing’ or conflict ridden countries, or the migratory movements of Asian and African populations perceived as an economic or cultural threat to previously ‘homogenous’ European communities—has gained substantial po-

¹¹ See: Cassandra Balchin, ‘Economic factors behind the rise in Religious Fundamentalisms’ in *Towards a Future without Fundamentalisms*. (Toronto: AWID, February 2011) p.9.

¹² Ibid. p. 12

¹³ Ibid p.16.

litical capital for the manipulation of popular sentiment by political parties and community leaders in a variety of contexts.

Growing militarization of different societies also paves the way for fundamentalist forces to gain ground. The highly structured and patriarchal system of power that is characteristic of militarized societ-

..... ies or societies in conflict already allows for regulation and subordination of women, which coincides with the strategies and goals of many fundamentalist movements. Individuals may capitalize on the moral justifications of religion to perpetrate violent acts in a militarized context that they may not otherwise consider. While the political and social upheavals that accompany situations of conflict also provide opportunities for disrupting traditional social and gender hierarchies and rebuilding more egalitarian communities, the disorder or power vacuums created by situations of conflict are also more susceptible to take-over by fundamentalist forces.¹⁴ Religious or cultural fundamentalisms, instead, reiterate and reassert gender hierarchies in post-conflict situations as a way of seizing power over their communities.

The highly structured and patriarchal system of power that is characteristic of militarized societies or societies in conflict already allows for regulation and subordination of women, which coincides with the strategies and goals of many fundamentalist movements.

The way fundamentalisms accrue and use their power varies in every case. For example, in the terrain of human rights and humanitarian work, there is an emerging trend of the opportunistic exploitation of humanitarian crises by fundamentalist faith-based charities and philanthropic initiatives to spread their ideologies. Additionally, the institutionalization of fundamentalist actors either as 'registered charities' or as political parties, augments their legitimacy within communities, and gives them additional power and standing to not only express, but also to act on their views.

How do fundamentalisms affect women and WHRDs?

Fundamentalisms of all kinds have historically mobilized the figures of women to serve as purveyors of community, 'family values', cultural or religious identity, and other forms of 'purity' and morality. The regulation of women's morality or bodies includes for example discriminatory laws legislating 'adultery', imposition of dress codes for women, the criminalization and punishment of so-called deviant sexualities, or the use of sexual violence against minority women. This strict regulation of gender must be located within a broader understanding of patriarchy and role of women in patriarchal societies. It is, therefore, not surprising that women have played a leading role in challenging and responding to fundamentalist movements.¹⁵

¹⁴ WHRD International Coalition, op. cit., p. 138-139.

¹⁵ See also: C. Balchin, op. cit.

Fundamentalisms pose particular risks for WHRDs as they have had to face and respond to a complex range of hostilities and obstacles not only as women, but also as human rights *activists* as the conformist and rigid contexts of fundamentalisms severely limit room for dissent or debate. Furthermore, the work of WHRDs is perceived as challenging established sexual norms and heteronormative assumptions that may be pervasive within a given community. Many gender and ‘women’s issues’ such as rape, domestic violence, sexual and reproductive rights have been relegated to the so-called private domain. By giving them public visibility, WHRDs challenge patriarchal power structures by the act of raising these issues, and the content of the rights they claim. This puts defenders, both male and female, who work on sexual rights or reproductive rights at increased risk of attack by fundamentalist forces that view these defenders as subversive and dangerous.

As *women*, WHRDs in many cases challenge social, cultural or religious norms simply because of the work they do. Their work gives them both visibility and power in the public domain, a traditionally gendered and contested site of patriarchal power. In a fundamentalist context, the recasting of WHRDs in ‘non-traditional’ and independent roles outside of conventional domestic and care-giving roles in the private sphere is often perceived as an assault on ‘family values’, a mark of cultural shame, a threat to the image of the nation/ community, an attack on traditionally perceived forms of masculinity, or a disruption of religious beliefs. In other cases, fundamentalisms may allot women limited roles within the public domain, but strictly police their autonomy within those roles. In all fundamentalisms, morality is mapped onto non-normative behavior (creating ‘bad’ women) for the political purpose of securing hegemonic power.

Given the logic of fundamentalisms, this puts WHRDs at greater risk of attacks, threats and surveillance than male defenders, because they are seen to transgress social and other norms of femininity. In addition to the range of commonly experienced violations and restrictions against HRDs generally, retaliation against WHRDs may also take a particularly gendered or sexualized form. Sexual assault, violence or rape is deliberately used as a ‘corrective’ to recast women back into their ‘traditional’ roles.¹⁶ Other gendered repercussions for WHRDs may include derogatory labeling, insults or smear campaigns as ‘immoral’ women, ‘bad’ mothers, ‘whores’ or ‘harlots’, ‘bad’ Muslims/Christians/Hindus etc., or ‘man-haters’, and may include other strategies of vilification of women drawing on religious or cultural epithets for their discursive power.

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The work of WHRDs is perceived as challenging established sexual norms and heteronormative assumptions that may be pervasive within a given community.
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¹⁶ APWLD, op. cit., p. 17.

WHRDs may also find themselves isolated from their families and communities precisely because the patriarchal beliefs that they are challenging are so widely held and accepted, and further reinforced by fundamentalist actors within their communities. This can lead to the legitimization of violent retaliation against WHRDs by community members, thus creating a precarious and uncertain environment for activists, who may also no longer be able to rely on the safety of their communities after raising particular issues. Additionally, when any form of retaliation or attack does occur, WHRDs may no longer feel comfortable reporting these violations to authorities because of the fear that they will not be taken seriously or acted upon, or because the authorities themselves are responsible for the attacks. This can lead to a vicious cycle of self-censorship, increased vulnerability and impunity.¹⁷

Finally, in national contexts which may be characterized by an ‘official religion’ or have separate religious laws, legal frameworks that discriminate against women by failing to grant certain rights or that penalize women disproportionately for certain offenses may also result in the criminalization of activities that WHRDs need to carry out during the course of their human rights work. The criminalization of abortion, for example, which results in abortion providers being placed outside the law, means that retaliatory attacks may be less likely to be reported, and consequently also less likely to be investigated and punished.

Case Studies

The following case studies have been selected to illustrate specific instances that pose particular risks to WHRDs, covering the following topics:

1. Domestic violence in retaliation for human rights work
2. Legitimacy of fundamentalist actors and impunity
3. Speaking from ‘within’ culture or religion
4. Traditional structures of authority
5. Threats to WHRDS of reproductive rights

1) Domestic violence in retaliation for human rights work

Facing violent retaliation from family members due to their human rights work is not uncommon for WHRDs, particularly in conserva-

¹⁷ S. Abeysekera, *op. cit.*

tive or traditional communities where women have limited roles in the public sphere.¹⁸ Today, national legislation on domestic violence is seen as a key indicator of the political will of States to end violence against women in the domestic/family sphere.¹⁹ The case below focuses on Nepali activist Laxmi Bohara, who in an extreme case of domestic violence, was killed by her husband and mother-in-law who objected to her role as an activist.

CASE 1.1

Domestic Violence in Retaliation for Human Rights Work: Case of Laxmi Bohara (Nepal)

International Service for Human Rights (ISHR) and Women's Rehabilitation Centre (WOREC)

The Kanchanpur district in Nepal is known to have the highest occurrence of violence against women in the country, particularly cases of domestic violence.

Laxmi Bohara was a member of the Women's Human Rights Defender Network (WHRDN) in Kanchanpur district. She worked as Secretary of the Women's Empowerment Centre, and was an active health rights volunteer. In addition, she was involved in challenging illegal logging in the area.

Laxmi was married to Tek Raj Bohara for twelve years and lived with him, her mother-in-law, and their three children. She had been severely criticized and harassed by her husband and mother-in-law for committing herself to human rights work. They accused her of 'consorting with men' in the course of her work. Her activities were perceived as incompatible with her domestic role as a wife and mother living in a Hindu community in Nepal where 'traditional' and highly patriarchal views of women are widely held.

On 6 June 2008, she was severely beaten by her husband and mother-in-law and then forced to ingest poison. Her husband took her to the hospital where she later died. After the news of her death, her husband fled the hospital.

It was reported that Laxmi's body was covered in bruises. According to the WHRDN, Laxmi's daughter stated that her father had severely beaten her mother all night.

Laxmi Bohara's father submitted a First Hand Information (FIR) to the District Police Office stating that his daughter was murdered by her husband and his mother. However, claiming that time was needed for religious rituals to be performed

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**Nepali activist
Laxmi Bohara
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husband and
mother-in-law who
objected to her role
as an activist.**
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¹⁸ WHRD International Coalition, op. cit., p. 59-60.

¹⁹ APWLD, op. cit., p. 18.

by her husband, the police deferred registering the FIR for 13 days.

It was later discovered that the FIR had indeed been registered, not under the name of the victim's father, but under the name of a relative of Laxmi's husband. Given the family connection involved, this undermined the likelihood of the investigation proceeding if the relative withdrew the FIR, and also jeopardized the credibility of the investigation. Furthermore, the post-mortem was conducted by a cousin of Mr. Tek Raj Bohara, who submitted a report stating that Laxmi had died of poisoning and that the bruises on her body were 'minor'.

The investigation failed to take into account the pattern of domestic abuse that Laxmi faced regularly at the hands of her husband. Just 10 days before her death, Laxmi was thrown out of the house by her husband, and found refuge in the house of friends, who urged her to leave him. However, she later returned to her husband when he promised not to beat her again.

Following Laxmi Bohara's murder, a group of WHRDs went to the District Superintendent of Police at the District Police Office in order to demand a prompt and thorough investigation. He was reportedly aggressive towards them, and ordered his staff to drag the WHRDs out of his office if they attempted to approach him again about the case. The Chief District Officer also showed little interest in the irregularities relating to the FIR.

Subsequent attempts by Laxmi father to register the FIR were rejected, in violation of the State Cases Act, which clearly mentions that the police should register any complaint lodged by a citizen of Nepal and initiate an investigation.

After this incident, the WHRDs initiated a nationwide campaign, including a 24-day relay hunger strike, rallies, and sit-in protests. They demanded:

- a) An impartial investigation into the murder of Laxmi Bohara
- b) The formation of an independent High Level Committee dealing with all forms of violence against women.
- c) An end to all forms of violence against WHRDs, and guarantees for their security

At one 'black' protest, women wore petticoats up to their chests, to depict the nakedness of the State, and their anger about the lack of effective legal provisions. During the protest, several women were arrested, which was followed by demeaning reports in the media about the women's actions.

The WHRDs engaged with national and international human rights mechanisms, as well as the media to highlight the case. In an unprecedented remark, the Chair of the Constituent Assem-

bly noted how violence against women was a matter of grave concern, and that the government should consider addressing it a matter of highest priority.

A High Level Task Force was mandated to conduct an impartial and thorough investigation of violence against women, and review legal provisions to ensure the defense and promotion of the rights of women. It was also expected to draw up terms of reference for the formation of a High Level Commission dealing with all forms of violence against women.

In February 2010 the Supreme Court issued a ruling regarding the establishment of a fast-track system to address gender based violence. This has yet to be implemented.

The murder of Laxmi Bohara has become an emblematic case for other WHRDs because it reflects the broader experience of other WHRDs, including the obstacles they face in accessing justice. Their struggle for justice in this case and to end discrimination against women more generally, however, has placed these WHRDs at risk. Family members of Mr. Tek Raj Bohara have reportedly threatened some of the members of the National Alliance of WHRDs (NAWHRD). One activist, Ms. Sharda Chand received more than a dozen threatening phone calls from unknown persons on her cell phone. The caller threatened her life and pressured her to discontinue working on Laxmi's case. In another instance, a caller threatened NAWHRD members with death within the week if they continued to work on Laxmi's case.

Laxmi's case drew the attention of the UN High Commissioner for Human Rights Navanethem Pillay, who noted that '...it is often women human rights defenders, such as Laxmi Bohara of Kanchanpur District, who are the targets of those who are emboldened by the climate of impunity and the absence of the rule of law.'

Tags: Fundamentalisms; domestic violence in retaliation for human rights work; Nepal.

Laxmi's case convincingly depicts how the context in which she carried out her work played a significant role in allowing her murder to occur: a high degree of domestic violence, coupled with patriarchal cultural practices that feed misogynistic stereotypes of women and apathy of public officials clearly constitutes a permissive environment when it comes to violence against women and women defenders. Interpreting Laxmi's bruises as 'minor', rather than seeing them as part of a pattern of sustained domestic abuse, in this case was due to the family connection involved. However, in many cases, viewing beatings or attacks on women as isolated incidents rather than as patterns of abuse reflects a political choice about how to make sense of the motivation behind violence against WHRDs.

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The murder of Laxmi Bohara has become an emblematic case for other WHRDs because it reflects the broader experience of other WHRDs, including the obstacles they face in accessing justice.
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The view that Laxmi's work as an activist in the public domain was tantamount to a form of 'promiscuity', demonstrates the way false morality is used to attack WHRDs. This not only isolates and shames defenders within their communities as 'immoral' women, but also undermines the credibility of the work that they do. The way in which Laxmi's case has become a powerful symbol for WHRDs in Nepal (including receiving recognition by the UN High Commissioner) lies in stark contrast to how her family viewed her work as merely 'consorting with men'.

2) Legitimacy of fundamentalist actors and impunity

The following case of Luiza Teymirova from the Chechen Republic clearly illustrates the highly patriarchal and misogynistic cultural and political environment with which women and WHRDs must contend when fundamentalist actors occupy positions of political power. In this context, political actors have the power and the means to act on patriarchal views through laws, policies and institutions, not to mention the sizeable influence that they may have over the views of the general population. The promotion by the Kadyrov political regime of openly patriarchal policies—such as denying the political participation and legal entitlements of women; the imposition of specific

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forms of 'modest dress' based on 'Islamic dress codes' on women; public endorsement of polygamy and 'honor killings'; and the use of 'morality police' to harass and intimidate women in public spaces—is an extremely precarious context for women based on the regime's restrictive and selective interpretations of Islam.

Teymirova's case is particularly troubling due to the lack of support given to her from her male-relatives, who to a lesser degree articulate the same patriarchal beliefs espoused by the Kadyrov regime, and who reject and harass Teymirova for her deviations from culturally appropriate roles for women. Given the political and the family environment in which Teymirova must live and try to work in Chechnya, leaving the country appears to be one of her only options, and even then harassment does not end as other family members are threatened in order to force her to curtail her activism. Finally, Teymirova's advocacy abroad in this case is shown to have negative consequences for her personal safety. Her critical views of the Chechen Republic only serve to fuel her persecution by the rampantly nationalistic Kadyrov regime.

CASE 1.2

Legitimacy of Fundamentalist Actors and Impunity: Case of Luiza Teymirova (Chechen Republic)

Urgent Action Fund

The climate for women human rights defenders in the Chechen Republic has become increasingly hostile over the past several years. From the period of 2005-2010, Urgent Action Fund (UAF) provided financial assistance in just over a dozen cases to WHRDs to increase their security in the face of continual threats by the authorities. After two wars lasting from 1994–1996 and 1999–2000, and an extended post-war period, armed militant groups continue to operate freely and the Chechen government routinely targets suspected militants, their families, and anyone assumed to be associated with them. Since the appointment of President Ramzan Kadyrov in 2007, the climate of fear has grown as government security services have expanded the range of those targeted to anyone—from HRDs and journalists to political opponents—criticizing Kadyrov’s regime or drawing attention to the abuses in Chechnya. In this climate of fear, it is easy for anyone to accuse an enemy of being involved with the rebels and have them targeted by the government. The violations committed have included but are not limited to extralegal arrests and detentions, kidnappings, torture, killings, fabricated criminal trials, house burning campaigns, and enforced disappearances.

Women’s rights in particular have seen further setbacks under Kadyrov’s regime, which openly promotes patriarchal policies. The regime blatantly resents women in leadership roles, excludes females from eligibility for government-funded scholarships, and publicly endorses polygamy and honor killings. Since coming to power, the government under Kadyrov has employed a ‘morality police’ to enforce the proper conduct of citizens as part of its ‘virtue campaign’. This force serves as a constant source of harassment to women and girls. The Chechen government has also enforced a strict Islamic dress code on all women, requiring that headscarves are worn in all public places, and preventing women from holding jobs in the public sector if they don’t comply.²⁰

This environment provoked several public attacks on Chechen women by government-sanctioned clerics, law enforcement officials, and other community members in the Grozny center from June through August 2010. Attackers repeatedly harassed and shamed women not complying with the code by pulling

²⁰ Human Rights Watch, “Russia: Stop Forced Dress Code for Women in Chechnya,” August 24 2010. Available at: <http://www.hrw.org/print/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>.

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Luiza Teymirova is a senior staff member of a Chechnya-based community organization founded during the second Russian-Chechen war by internally displaced women to help women cope with gender-based violence and move beyond traditional gender roles by providing various services. It is one of only two women's organizations in Chechnya.
.....

their hair, labeling them as “harlots”, and attacking them with paintball guns.²¹

The regime has also openly begun to perceive activists and NGOs working on women’s issues as a threat, marking a departure from the prior government’s perception. As a result, the violence against WHRDs has heightened immensely as several prominent human rights lawyers, activists, and journalists in Chechnya have been murdered in cold blood, and the perpetrators have continued to kill with impunity. Leading human rights defender Natalia Estemirova was murdered on 15 July 2009 for her work with Memorial Human Rights Center; and three weeks later human rights activists Zarema Sadulayeva and Maksharip Aushev suffered the same fate. After investigating the circumstances of Natalia’s death, it has been concluded that the activist had received government threats prior to her death. At the same time, local NGOs have experienced an increase in the frequency and seriousness of threats by authorities and many activists have reported being followed by security agents. As a result, 10 leading HRDs in the area have been forced into exile, marking an unprecedented period in Chechnya.

Within this climate, activist Luiza Teymirova, her family and colleagues have been constant targets of government threats over the past several years. Luiza Teymirova is a senior staff member of a Chechnya-based community organization founded during the second Russian-Chechen war by internally displaced women to help women cope with gender-based violence and move beyond traditional gender roles by providing various services. It is one of only two women’s organizations in Chechnya, and some 8,000 women have received services from the organization.

The violations committed against her are directly related to her gender and gender-specific work. Luiza’s in-laws have kidnapped her children on several occasions in an attempt to leave the country with them, and insist that her ex-husband should be granted full custody of the children according to the patriarchal Chechen norm that children “belong” to the father in the event of a separation. Any deviance from these fundamentalist values merits harassment from immediate family members, distant relatives, and the community. Luiza’s ex-husband beat her severely as punishment for her work with foreigners and the disabled, which for a married woman in Chechnya is considered shameful and divergent from the normal “family values” of society. This beating occurred in the presence of close and distant family members, who came specifically to witness the punishment.

²¹ Human Rights Watch, “Russia: Chechnya Enforcing Islamic Dress Code,” March 10 2011. Available at: <http://www.hrw.org/print/news/2011/03/10/russia-chechnya-enforcing-islamic-dress-code>.

Luiza and her siblings have also experienced continual threats from the Chechen authorities. In May 2008, only weeks after Luiza returned from Europe where she received a prestigious human rights award for her work in exposing the situation in Chechnya, two men in Chechen government uniforms showed up unexpectedly at both her home and office. They sifted through all her files and interrogated her about the nature of her work, her travel to Europe, and the award. They also threatened her that if she did not cease her work in defending women's rights, 'then powerful men would show her how to empower women.' Around the same time, a representative from Chechnya's Ministry of Justice showed up at her office to interrogate her colleagues about the award. Soon after, with financial assistance from UAF, Luiza was able to leave Chechnya with her three children to improve her skills and knowledge in the promotion of human rights and share her experience with other HRDs from all over the world. However, the threats continued to plague her even while abroad in the form of attacks on her family members.

On several occasions in July 2009, an unidentified vehicle with tinted windows and no plates (characteristics of vehicles known to be used by government security services) targeted Luiza's sister and attempted to run her over both in Grozny and in her local village. Her colleagues concluded that these attacks were directly related to Luiza's activism abroad, since these occurred around the same time that she made several public appearances on panels at conferences, and gave interviews and speeches to the media and universities in Europe and the United States advocating for women's rights in Chechnya.

In March 2010, with Luiza's return from abroad imminent, the threats against her own person once again escalated after she became part of a UN-sponsored NGO delegation in Washington D.C. with other delegates from the North Caucasus. When delegates returned to Chechnya afterward, they received visits by local officials who pressured them to disclose information specifically about Luiza's activities. Soon after, another of Luiza's family members was illegally detained by Chechen police, questioned for over 24 hours about Luiza's activities, and she was warned not to let Luiza know of the detention. After their meetings with the delegation, representatives from the United States embassy in Moscow informed the Chechen Minister of Foreign Affairs that they would not support refugee return programs when NGOs faced threats. A representative from the Ministry of External Affairs, who believed that the negative comments about Chechnya's situation were relayed by Luiza exclusively, again threatened and warned Luiza's colleagues by phone that if Luiza doesn't 'shut-up herself, they will shut her up.' This representative also threatened to report the 'incident' to the president himself. Only days after, President Kadyrov released a statement specifically citing one of Luiza's interviews with the

BBC, and threatening to punish all ‘information terrorists’ involved in the release of the ‘false’ statements and for spoiling the reputation of their nation.

Tags: Fundamentalisms; legitimacy of fundamentalist actors & impunity; Chechen Republic.

3) Speaking from ‘within’ religion

WHRDs do not unanimously view secular frameworks as the only option for addressing gender discrimination within religious and fundamentalist contexts. A number of women’s rights organizations have also attempted to speak from ‘within’ particular cultures or religions as a way to advance more egalitarian interpretations of religious principles or laws governing women in religious societies.

The case below highlights the context in which the Malaysian organization, Sisters in Islam (SIS), carries out its work. SIS began by focusing on the ‘reinterpretation’ of Muslim family laws in order to assist women with domestic claims, and evolved beyond a law reform group into one that does ‘intensive research into the Quran, tafsir literature, Islamic law, and women’s rights’.²² SIS contests the inequality of domestic laws by arguing that it is the selective and restrictive interpretation of Islam, rather than its inherent characteristics, that are used to propagate gender inequality in the Malaysian legal system. Their approach thus allows women to contest the effects of the law without disavowing their religious allegiance. This naturally also places SIS, as WHRDs, in an adversarial position vis-a-vis the fundamentalist religious establishment.

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CASE 1.3

Speaking from ‘Within’ Religion: Case of Sisters in Islam (Malaysia)

Forum Asia

Religion not only plays a significant role in Malaysia, it is also the origin of the country’s legal framework, which has therefore allowed the arbitrary interpretation of religious texts. This has resulted in validation of repressive social norms, which are complimented by the implementation of restrictive laws that justify

²² For more information, see: Sisters in Islam, *The SIS Story*. Available at <http://www.sistersinislam.org.my/page.php?35>.

the denial of women's rights. While the Malaysian Constitution permits freedom of religion, Islam constitutes the official religion. Over the past few decades, Muslim fundamentalist groups have become more assertive in Malaysia, which has added to the country's reputation as a place where the legal rights of women and access to justice are slowly being eroded. Muslims in Malaysia are bound by the Shari'ah court's decisions in matters concerning religion.

Sisters in Islam (SIS) is a Malaysian organization of Muslim women promoting women's rights within Islam. SIS advocates for the need to interpret the Koran and the Hadith in their proper historical and cultural contexts. SIS aims to facilitate a broader conversation about the progressive interpretation and role of Islam in daily life. Due to the organization's moderate practice of Islam, they have been accused on many occasions by Islamist groups of 'misinterpreting' religious principles. Many fundamentalist groups have also become increasingly hostile toward them for defying cultural, religious and social norms that have hitherto defined the role of Muslim women in Malaysian society. There have been several attempts in 2010 to intimidate SIS, and prevent the organization from doing its work.

The organization's official name is 'SIS Forum (Malaysia)', even though the name 'Sisters in Islam' is frequently used on the organization's website and publications. On 22 March 2010, the Malaysian Assembly of Mosque Youths (MAMY) filed a lawsuit against SIS, contesting the use of the word 'Islam' in the organization's name. They argued that SIS was registered with the Companies Commission of Malaysia under the name 'SIS Forum (Malaysia)' and not 'Sisters In Islam'. Therefore, the organization had no legal title to the word 'Islam'. They furthermore claimed that SIS's use of the word 'Islam' would confuse people in Malaysia and abroad into thinking that their work was 'based on Islam'.

MAMY sought a court order that prohibited SIS to use 'Sisters In Islam' as their name and identification in pamphlets, correspondence, publications, or statements whether in the print or electronic media, until this was provided for under the law. It also sought an order for SIS to take out the name 'Sisters In Islam' from their website, printing and publishing materials and prevent them from distributing, printing and publishing materials and/or broadcasting the name 'Sisters In Islam'.

The lawsuit filed by MAMY was an attempt to intimidate SIS and hinder the work of the organization. On 29 October 2010, the High Court in Malaysia decided that Sisters In Islam could keep the word 'Islam' in their name, because MAMY had no legal standing to challenge the name.

Prior to the lawsuit mentioned above, SIS had also been advocating against the caning of a Muslim woman who was sentenced

by an Islamic court for drinking beer in public in 2009. SIS also issued a statement condemning another case of caning of three women, and urged the Malaysian government to review caning as a form of punishment under the Shari'ah Criminal Offences. SIS described caning as 'degrading and unjust treatment' which constituted further discrimination against Muslim women in Malaysia because under criminal law, women cannot be caned. In February 2010, the Selangor Islamic Council (MAIS) filed a police report against Sisters in Islam for questioning the caning of the three Muslim women. Additionally, on 12 March 2010, the Friday sermons in the mosques issued by the Selangor Islamic Department (JAIS) called on the public to take action against SIS and its Executive Director, Dr. Hamidah Marican.

Tags: Fundamentalisms; speaking from within 'religion'; international visibility/mechanisms; Malaysia.

Although the lawsuit by the Malaysian Assembly of Mosque Youths against Sisters in Islam for the use of 'Islam' in their name is presented as a technical issue, it provides a revealing insight into the discursive struggle between conservative and moderate factions over the meaning of Islam in Malaysian society, and illuminates the backdrop against which the difficulties that SIS face can be viewed. SIS's work for more progressive interpretations of the role of women within Islam is carried out in a context where religious identity is an institutionalized—and therefore powerful—part of the political and public sphere in Malaysia. The intervention of SIS into the case of a woman who is sentenced to caning for drinking beer in public illustrates the serious repercussions for women who (even unwittingly) challenge any religious diktats governing their behavior.

4) Traditional structures of authority

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The case of WOREC shows some of the repercussions for WHRDs when they attempt to raise women's issues outside of 'traditional' structures of authority. WOREC's strategy of reporting cases of rape directly to the district police is viewed as a rejection of 'traditional' forms of authority.
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The case below of the Women's Rehabilitation Centre (WOREC) in Nepal shows some of the repercussions for WHRDs when they attempt to raise women's issues outside of 'traditional' structures of authority. WOREC's strategy of reporting cases of rape directly to the district police is viewed as a rejection of 'traditional' forms of authority exercised by the Village District Chairperson (VDC). Of course, the case is further complicated due to the accusation that the VDC is also using his role as mediator in rape cases to make money (as 'punishment') from perpetrators without fairly adjudicating over the cases. The rationalizing away of responsibility on rape cases combined with corruption forcefully depicts the entrenchment of patriarchal structures of power within the local establishment. The labeling of WOREC activists

as 'loose women' and criticism of their roles as working women from their own communities also compellingly illustrates how broader perceptions of women's roles in the community are shaped by the same patriarchal ideologies.

CASE 1.4

Traditional Structures of Authority: Case of WOREC (Nepal)

Forum Asia

The Women's Rehabilitation Centre (WOREC) works in partnership with grassroots people in Nepal in order to resolve the major socio-economic, cultural and human rights injustices at the community level. As part of their work, they have been defending the rights of women and Dalits ('untouchable' castes or outcasts) by investigating and documenting cases of sexual violence and providing legal and other support to victims, in the Siraha district among others. In this region, WHRDs are at an increased risk because of their work. WOREC staff came under attack themselves.

In the evening of 2 June 2007, the WOREC office in Siraha district was attacked with bricks by unknown men. WOREC staff, working inside the office, were unable to identify the attackers. After this incident, they contacted the local police authorities, who replied that they could not go to the WOREC office that evening because of security reasons. The police promised to inspect the area in the morning. The staff themselves went outside to check, but they were attacked with sharp bricks. Worried about their safety, they were unable to sleep that night.

On 9 June 2007, the main gate of the WOREC office was dismantled and thrown in the middle of the road by unknown men. According to witnesses from the local Govindapur community, one of the men who dismantled the gate was the suspected rapist of a woman in the community. WOREC staff, registered the incident with the local police authorities, as the police is often reluctant to do so, but no investigation was undertaken at the time.

In the morning of 14 June 2007, three men, Messrs. Ram Bharosh Yadav, Jitu Yadav and Umesh Yadav, came inside the WOREC office and started verbally abusing and threatening WOREC staff. Mr. Ram Bharosh Yadav is the alleged rapist in a case documented and registered by WOREC staff member Ms. Rita Mahato. The three men accused the members of the staff of being of 'loose character' and told them to attend a meeting with the local community leaders.

The next day, a WOREC representative met with the different party leaders of the Govindapur community and was informed that Mr. Govinda Yadav, a former Village District Chairperson (VDC), was allegedly behind the recent attacks against WOREC. According to WOREC's sources, Mr. Govinda Yadav did not approve the activities of WOREC, particularly their filing of rape cases with the local police authorities, as he believes this is contrary to the tradition of the VDC mediating cases of rape. The VDC is reportedly taking money from perpetrators of rape as a form of punishment, without providing justice to the victim. That same day, some 60 to 70 men armed with sticks marched to the WOREC office, and threatened staff that they would be killed and had to pack and leave the office within the next five days. The men also told the members of the staff not to leave the WOREC office, unless they leave the village entirely. Again, WOREC staff was accused by these men of being 'loose women' and were threatened with rape and physical abuse. They were not able to sleep that night because the men held a vigil with torches outside the WOREC office, while shouting abusive and insulting words at them.

The threats and intimidation against WOREC staff are forms of psychological harassment intended to create fear and make them feel vulnerable and defenseless. The WOREC staff, facing threats and abuse from perpetrators of their own community, approached the police but were not offered any protection. The fact that the police did not undertake any action in the investigation of the possible perpetrators and protect the WOREC staff from a potentially violent situation, affirmed the lack of gender-sensitivity and discriminatory attitude of the police, and added to the feeling of vulnerability by the WOREC staff. The lack of protection by police for WOREC staff also undermines the respectability and legitimacy of WOREC and WHRDs, and leaves them further vulnerable to future psychological harassment and attacks from perpetrators who are aware of their own immunity to the law.

In the WOREC case, access to justice for women is made difficult by local authorities or law enforcement. Even where there are legal provisions against discrimination, in practice there is a barrier for women to access remedies and obtain justice. This also explains why after the series of incidents in June 2007, WOREC staff still felt threatened and even feared for their lives. In a broader context, claims made by Dalits and women are more likely to be underestimated and disregarded than those of other groups.

Women across Nepal suffer the effects of a conservative and patriarchal society. The Govindapur community where the incidents occurred was unsupportive and negative about WOREC's work. Strict feudal and patriarchal norms permeate the community. The women in these communities are marginalized and their voices are suppressed by male decision makers. Despite

the caste and class structure gap, the women HRDs managed to break the conventions in the community by working for the rights of marginalized groups: women and Dalits. As a result, their work has been regularly obstructed by other members of the community. The community has strongly criticized WOREC staff for taking rape cases to the police instead of settling the cases traditionally within the community. They were told that a woman who is uneducated should not be employed as a man would be. When a woman becomes a WHRD and crosses her defined social role, she becomes vulnerable which may lead to threats and abuses by her own community. The discrimination these WHRDs face, as a consequence of their work in battling a patriarchal society, and their often non-conformative way of working, makes it harder for them to access justice.

Tags: Fundamentalisms; traditional structures of authority; international visibility; Nepal.

5) Threats to WHRDs working on reproductive rights

Health-care professionals, along with activists, journalists, and members of the legal profession also act as WHRDs when they defend the reproductive rights of women by providing necessary services or when they defend women's autonomy over their bodies and their reproductive functions. Defenders working on reproductive rights, particularly abortion providers, are subject to retaliation for their role in assisting women to alter their 'natural' role as mother and caregiver. This view is pervasive within conservative religious or traditional communities, and of course, more so in contexts of fundamentalisms. As can be seen in the case of Dr. George Tiller below, the risks he faced as an abortion provider in the United States were amplified due to the abuse of power by public officials who opposed abortion. Fundamentalist actors sought to create a political environment where abortion, though legal, was delegitimized, and consequently providers of this service were dehumanized. Additionally, the case suggests that the escalating pattern of threats and intimidation that Dr. Tiller experienced over a number of years went unchecked because of the deeply embedded abortion stigma in legal and political bodies, law enforcement, media and other social institutions.

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Defenders working on reproductive rights are subject to retaliation for their role in assisting women to alter their 'natural' role as mother and caregiver.
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CASE 1.5

Defenders of Reproductive Rights: Case of Dr. George Tiller (USA)

Center for Reproductive Rights

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Dr. Tiller was targeted because he specialized in abortions performed later in pregnancy, serving women who faced substantial health risks should they continue with their pregnancy, or women carrying fetuses with severe anomalies.
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U.S. physicians who provide abortions have been targeted by both state and non-state actors since the constitutional right to an abortion was recognized in the U.S. Supreme Court decision *Roe v. Wade* in 1973. Those opposed to abortion on moral or religious grounds, but who cannot legally prohibit women from seeking services, often target physicians with the goal of making it nearly impossible for them to provide abortions. The State of Kansas has been a particular battleground over the right to abortion, in part because it was home to Dr. George Tiller, who owned and operated the Women's Health Care Services clinic in the city of Wichita. Dr. Tiller was targeted because he specialized in abortions performed later in pregnancy, serving women who faced substantial health risks should they continue with their pregnancy or women carrying fetuses with severe anomalies.

On 31 May 2009, while attending a church service with his family, Dr. Tiller was assassinated by an anti-abortion extremist. His murder capped decades of escalating violence at the hands of extremists, including a bomb attack on his clinic in 1986; death threats and violent protests carried out during a six-week siege of his clinic by a large group of abortion protestors in 1991; an assassination attempt in 1993 that left him injured by shooting in both arms; the intentional flooding of his facility in 2007; and numerous malicious smear campaigns designed to threaten and intimidate him, his family, his employees, and business associates. Throughout it all, he courageously kept the doors of his clinic open because of his commitment to ensuring women's ability to exercise their reproductive rights.

Although the federal government has enacted federal legislation to protect safe entry to clinics, more affirmative measures are needed to prevent the ongoing violent attacks against providers. Heightened monitoring could have made a difference in thwarting the plans of Scott Roeder, the man who assassinated Dr. Tiller. Journalists have been able to prove that Roeder had a long-term and extremely close relationship with extremists who advocate and commit violence against abortion providers. He was involved with the Army of God, a group that published a manual on how to attack abortion providers and clinics, and was closely affiliated with many persons convicted of attacking or killing providers, including the woman who had shot Dr. Tiller in 1993. In 1996, Roeder was arrested for possession of bomb-making materials—and had intended to use them to bomb an abortion clinic—but law enforcement never uncovered his plan. Finally, only days before he shot Dr. Tiller, Roeder was

caught on video camera committing vandalism against an abortion clinic. The federal government may be able to prevent this type of violence in the future if it adopts effective systems to identify and report threats on clinics and providers, provides proper training to law enforcement, and improves coordination between federal and state law enforcement on monitoring extremists' activities across state lines.

Like other abortion providers across the country, Dr. Tiller was forced to also contend with state actors intent on putting him out of business. Anti-abortion activists assumed positions of authority within the state government, and used their stations to specifically target Dr. Tiller. The state legislature passed a series of laws specifically aimed at Dr. Tiller that threatened abortion providers in Kansas with criminal penalties, loss of a medical license, and other sanctions not imposed on providers of comparable medical services. State prosecutors investigated him several times on baseless charges filed by anti-abortion groups, burdening him with huge expenses for legal defense and fear of harm to his professional reputation, and distracting him from his medical practice. These state actions fueled the stigma against abortion, signaling to anti-abortion extremists that harassment, intimidation, and possibly even violence against providers, is justified.

In the wake of Dr. Tiller's murder, the state recently passed four new laws restricting the rights to work of abortion providers, rather than taking positive steps to eliminate stigma and the other underlying causes of violent extremism. The current Governor of Kansas, who has publicly stated that abortion is the single most pressing moral issue in the U.S. today, signed a law in June 2011 that establishes an extremely burdensome separate licensing procedure for abortion clinics. The statutes and accompanying administrative regulations require abortion clinics to undertake major renovations to the physical plant, including mandating a specific size of closet to keep janitorial supplies, which are not required for other facilities where similar office-based surgeries are performed. The state gave the clinics only two weeks to make these substantial and expensive changes. The regulations do nothing to promote patient safety and do not apply to doctors performing similar procedures—their blatant purpose is to harass reproductive health providers and ultimately deter abortion provision. The Center for Reproductive Rights challenged the law and regulations, and in December 2011 a judge temporarily blocked their enforcement. However, the eventual fate of at least two out of the three remaining abortion clinics in Kansas rests in the hands of a federal court that has yet to rule on the scheme's constitutionality. Kansas' restrictions, while particularly extreme, reflect a nationwide trend on the part of state legislatures to make abortion services so expensive and difficult to provide that most physicians are simply unable to offer them.

In 2009, the Center for Reproductive Rights documented attacks against reproductive health providers committed by both State and non-State actors in six U.S. states. The report, *Defending the Defenders: Abortion Providers Facing Threats, Restrictions and Harassment*, makes a series of recommendations to state and local governments to bolster security, eliminate targeted restrictions, and address pervasive stigma and discrimination against medical professionals. Dr. Tiller's story continues to motivate reproductive rights providers and advocates in the United States to press for implementation of these recommendations.

Tags: Fundamentalisms; reproductive rights; legal restrictions and use of administrative laws; international visibility; USA.

The case of Dr. Tiller is a tragic example of fundamentalisms influencing the political and legal environment in which a human rights defender lives and works. Fundamentalist actors opposed to abortion were able to hijack the law and use it as a weapon to prosecute a healthcare provider performing lawful activities to ensure women's rights. Once they secured political power, these actors fomented animus towards Dr. Tiller, contributing to a context that dehumanized abortion providers and eventually gave rise to violence. The state bears responsibility for fomenting animus against Dr. Tiller, and for failing to monitor the ensuing threats against providers. Finally, this case also exemplifies how fundamentalist actors can generate an atmosphere of such heightened intimidation so as to dissuade providers from continuing their human rights work out of fear of retaliation by private actors, the threat of prosecution and legal harassment by public officials, or both.

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B. Contexts Characterized by Militarism and Situations of Conflict

What do we mean by ‘militarization’ and situations of conflict?

In this report, militarization is understood to refer to the ‘...process whereby military values, institutions and patterns of behavior have an increasingly dominant influence over society. Militarization often precedes conflict, almost always accompanies it and can remain a part of its legacy’.²³ This report uses the term ‘situations of conflict’ to refer to the broad spectrum of armed conflicts including internal armed conflicts, low-intensity conflicts or separatist struggles, and also to refer to the context immediately prior to, during and just after the cessation of hostilities.

Situations of conflict are often accompanied by the break-down of law enforcement mechanisms and by the inability or unwillingness of the State to address violations committed by State and non-State agents and institutions such as the police or military, thus leaving the civilian population vulnerable to further attack and with no access to redress.²⁴ Marginalized members of the community tend to become even more vulnerable. Additionally, a defining feature of a militarized context is the prevalence and justification of the use of force or violence in everyday life. This is heightened by the incursion of armed actors or military presences into civilian life and decision-making structures, including the use of military jurisdiction.²⁵ Additionally, the privileging of aggressive and violent masculinities, and the highly gendered forms of discipline and control that are inherent to military institutions and structures contribute toward an environment that encourages and allows the deployment of hegemonic male violence against women, minorities, and ‘others’ in a bid to maintain existing social hierarchies.²⁶

How do militarization and situations of conflict affect women?

The differential effects of militarization and situations of conflict on women have been well documented and have received increasing attention in recent years. Understanding of the relationship be-

²³ WHRD International Coalition, op. cit., p. 25.

²⁴ Ibid., p. 138.

²⁵ Final Annotation on Contextual Trends, Global Report. (10 August 2010).

²⁶ See: Center for Women’s Global Leadership (CWGL), *Information Sheet #3: Conflict Related Sexual Violence* and *Information Sheet #5: Sexual and Gender-Based Violence by State Agents*, from the 16 Days of Activism Against Gender Violence Campaign website. Available at: <http://16dayscwgil.rutgers.edu/2011-campaign/2011-take-action-kit>.

tween militarization and its impact on women has hinged on the concept that gender discrimination in times of ‘peace’ and extreme sexual violence in times of war (such as rape being used as a ‘weapon of war’ against women) exists as a continuum that is fundamentally rooted in deeply embedded patriarchal and heteronormative precepts.²⁷ In other words, the gender inequalities of ‘everyday’ life are exacerbated during situations of conflict, in part due to the permissive context for the use of violence, and in part because of pre-existing cultural and social norms governing the role of women. Additionally, the instability and insecurity that usually go hand-in-hand with situations of conflict may lead to violence against women becoming more intensive and pervasive.²⁸

In a militarized environment, sexual and gender-based violence may be used by State-agents such as the military, police, or peace-keeping forces, or other armed non-State actors such as paramilitary groups, organized criminal gangs, or rebel groups, against women to assert or reassert gendered and other social/political hierarchies.²⁹ Conflict-related sexual violence includes ‘rape, sexual mutilation, sexual slavery, forced impregnation or sterilization and sexual violence within the military’.³⁰ This affects not only women who are present within zones of conflict, but also women in and around military bases, and in the private sphere, who may experience a higher incidence of domestic violence during periods of conflict.³¹ For the latter reason, ‘post-conflict’ situations have also been identified as particularly vulnerable periods for women due to the continuation of violence in the private sphere after the ‘formal’ cessation of war.

An analysis of the use of violence against women in a militarized context, in all its forms, is guided by the strategic imperative to recognize patterns of behavior that are deeply implicated in gendered hierarchies and systems, rather than viewing them as isolated individual acts devoid of a broader social context.

How do militarization and situations of conflict affect WHRDs?

All HRDs are made vulnerable in situations of conflict because of the work that they do in addressing in addressing violations of human rights and humanitarian law, and exposing the responsibility of State agents or other armed actors. Given the differential effects of conflict on women in general, WHRDs experience distinct challenges and violations when working in militarized environments.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid

WHRDs play an important role in responding to conflicts at every stage all over the world. From delivering emergency services such as medical aid or shelter; to assisting in the rehabilitation of victims of violence; negotiating with armed actors to protect their communities; or setting up refugee camps, the ways in which WHRDs actively contribute to addressing the causes and effects of conflict situations are multiple. WHRDs provide early warning of emerging problems, help protect the lives of civilians caught in conflict, and contribute to the prevention of human rights violations by their presence and their activities. WHRDs continue to contribute after the ending of hostilities, and play valuable roles in peace-building, strengthening the rule of law, demanding accountability for past and on-going violations, establishing and implementing reconciliation and reconstruction processes, advocating for legal reform, and establishing stable democracies and economies. Due to the wide-spread involvement of WHRDs in every stage of conflict, they experience a range of risks and violations due to the work that they do and their gender identities.

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The misrecognition of women activists purely as victims of conflict, as well as the lack of value attached to the work that they do, are both guided by deeply gendered perceptions of the role and capabilities of women in this context.
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The lack of recognition afforded to WHRDs as agents of change and as activists, which plagues their work in other contexts covered in this report, holds equally true in the militarized context. The misrecognition of women activists purely as victims of conflict, as well as the lack of value attached to the work that they do, are both guided by deeply gendered perceptions of the role and capabilities of women in this context.³² For example, the participation of women in peace-building processes may be through informal contributions that they may make in their daily lives such as by volunteering to teach or assist in providing evacuation services, facilitating inter-faith relations, contributing to local organizing to meet communal needs, or participating in community meetings. This is not only due to the fact that structural gender discrimination, as well as gender biases in existing political structures, favors the participation of men, and have tended to exclude women from formal participation in peace processes, but also because women's less formal or unconventional contributions to peace-building is under-valued or not as visible. The invisibility or non-recognition of the roles and capacities of WHRDs in conflict or post-conflict situations can result not only in the inhibition of the human rights work that they are trying to do, but can also result in lack of access to or support from solidarity networks, international agencies and donors, and other stakeholders involved in addressing or alleviating conflict situations.

³² Jane Barry, *Rising up in Response: Women's Rights Activism in Conflict*, (Boulder, Colorado: Urgent Action Fund/UAF, 2005), p. 6.

The lack of recognition of WHRDs in militarized contexts also plays a significant role in increasing the threats to their security.³³ Trying to do human rights work in a situation of conflict is inherently difficult and fraught with numerous risks of injury and violence. However, the risk of sexual and gender-based violence against women is com-

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Trying to do human rights work in a situation of conflict is inherently difficult and fraught with numerous risks of injury and violence. However, the risk of sexual and gender-based violence against women is compounded in a militarized environment.
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pounded in a militarized environment. Furthermore as discussed in the fundamentalisms section, WHRDs who challenge or deviate from established cultural, social or religious norms governing femininity and heterosexuality are at increased risk and exposure due to their leadership/activist roles, and therefore of being penalized in a variety of ways ranging from threats and intimidation to outright violence.³⁴ Isolation has been ranked as the ‘single most significant security risk for women activists’—whose defiance of social norms, as well as their precarious political position vis-à-vis armed State and non-State actors resulting from their human rights work, can be amplified by their isolation from communal contact and support.³⁵

Impunity for violations against WHRDs and others is an extremely serious consequence of the disruption to law-and-order that accompanies armed conflict. The perpetrator’s position of power can also lead to the silencing and intimidation of those who have faced violence because they fear further retaliation.³⁶ Furthermore, betraying allegiances to members of the community who have provided ‘protection’ during times of conflict can also lead to stigmatization or attacks against WHRDs who may be accused of ‘exposing allies’.³⁷

The use of emergency, counter-terrorism or security legislation to clamp down on basic civil and political rights during a period of conflict can also result in a general atmosphere of uncertainty for all HRDs, who may be attacked, detained or black-listed because they are perceived to pose a ‘threat to national security’, by being labelled as ‘terrorists’ or allies of rebel groups. The clamp-down on civil and political rights not only affects the general space for human rights activism, but also endangers activists and their work because the emergency legislation may allow authorities to detain or criminalise activists in a number of circumstances. Calling HRDs ‘terrorists’ or ‘threats to security’ is often used as a deliberate tactic to discredit activists and de-legitimize their work.³⁸

³³ Ibid., p. 9.

³⁴ Ibid., p. 11.

³⁵ Ibid., p. 14.

³⁶ Ibid., p. 11.

³⁷ See: WHRD International Coalition, op. cit., p. 140. Also see: J. Barry, op. cit. p. 74.

³⁸ S. Abeysekera, op. cit., p. 5.

WHRDs may be engaged in post-conflict rebuilding in a number of ways—as human rights advocates or agents of social change, as participants in peace and reconciliation movements, or even as political candidates. WHRDs may therefore be subject to political violence including ‘direct and indirect attacks that seek to discredit, limit and/or prevent their political participation’.³⁹ The impetus behind such attacks could be to limit women’s roles in the public sphere, particularly the political domain, and to simultaneously punish WHRDs who, by taking on visible and active leadership roles, do not conform to social norms. The public vilification of women in leadership or activist positions through the strategic use of derogatory or defamatory terminology can not only undermine the work that they have done, but also make them vulnerable to attack because they are viewed negatively by their communities. Additionally, violence may be used against female political leaders in order to intimidate their communities for votes.

The exclusion of WHRDs from decision-making roles and political processes following the cessation of conflict is an additional concern, especially given that many WHRDs play a significant role in peace-building and democratization. The exclusion of WHRDs and women leaders in post-conflict rebuilding processes can result in the replication of gender and social hierarchies predating and exacerbated by the period of conflict.

Post-conflict situations often see the persistence of or increase in violence.⁴⁰ The proliferation of a number of armed actors, such as the military, police, international peace-keeping forces, and non-State actors including armed groups and private military contractors, may pose a variety of threats to WHRDs.⁴¹ Additionally, the increase in certain forms of gendered violence such as trafficking, sexual slavery and exploitation, and prostitution during conflict and post-conflict situations is believed to be a significant contributor to retaliatory attacks against women activists who are viewed as deviating from these perceptions of women.⁴²

Finally, diminished access to resources and funding due to changing relationships with international actors and donors can also impose severe operational constraints upon WHRDs’ organizations during the post-conflict period.⁴³

³⁹ CWGL, *Information Sheet #4: Political Violence Against Women* of the 16 Days of Activism Against Gender Violence Campaign (25 Nov – 10 Dec 2011). Available at: <http://16dayscwgl.rutgers.edu/2011-campaign/2011-take-action-kit>.

⁴⁰ WHRD International Coalition, op. cit., p. 139.

⁴¹ J. Barry, op. cit., p. 9.

⁴² Ibid., p. 10; also see: p. 80.

⁴³ Ibid., p. 15.

Case studies

The case studies cover the following topics:

1. Normalization of military presence
2. Sexual violence against WHRDs
3. Threats to WHRDs from non-State actors

I) Normalization of military presence

The two cases below illustrate different aspects of how the ‘normalization of military presence’ in conflict-ridden communities can put WHRDs at risk.

The first case involving Maria Ligia Chaverra, an activist working for the rights of displaced persons to return to lands abandoned due to the activities of paramilitary forces in Colombia, illustrates the complexities that activists working in militarized environments may encounter. As an advocate for ‘humanitarian zones’ for displaced peoples, Chaverra places herself in opposition to a number of State and non-State actors. The State views her and her work as a threat to sovereignty and private companies seeking the contested territory view the return of peoples as a threat to their profits. By discrediting her as a member of the guerrilla group FARC, her reputation vis-à-vis the general population and paramilitary forces is undermined. While this case does not go into the details of the gendered nature of risks that Chaverra might face in this context, it clearly highlights the precarious nature of a militarized environment, where WHRDs must carefully negotiate the risks presented by multiple actors when carrying out their work.

CASE 1.6

Normalization of Military Presence: Case of Maria Ligia Chaverra (Colombia)

Peace Brigades International

In 1997, massive displacements occurred in the Curbaradó and Jiguamiandó river basins in North Western Colombia when paramilitary groups—with the alleged participation of the Colombian national army—carried out counter-insurgency manoeuvres there. On returning to their land almost 10 years later, community members discovered that it had been appropriated by palm oil plantations, established by 13 private Colombian companies, some of which received state funding to produce bio-fuels. The first families to return uprooted the palm trees and rebuilt their homes on their land. Following the communi-

ties' decision to return and defend their rights, threats and selective murders have increased.

Maria Ligia Chaverra, a former legal representative of her community's High Council, is a key figure in the process that enabled the communities' return to their lands. In order to be able to live within their territory despite the armed conflict, the communities created 'humanitarian zones'. They put up signs indicating the boundaries of their land and stating that all armed persons, including state security forces and illegal armed groups, were prohibited from entering. These zones are rooted in the distinction between combatants and non-combatants enshrined in International Humanitarian Law, and seek to provide a protection mechanism for civilians living in conflict zones. This protection is especially relevant to women: In 2008, Colombia's Constitutional Court identified 13 risk factors that specifically impact women affected by violence and displacement, including sexual violence, labour exploitation, and persecution for membership in women's organizations. The active demand made by WHRDs and their communities for the rights of civilians to be fully respected goes against the 'logic of violence' which both illegal and legal armed groups uphold. Government agencies accuse the communities of wanting to establish a territory in which the state is not present. However, these communities do actually want the civilian State to be present and assume its functions and responsibilities; they are not against a military presence per se, but believe it should remain outside their immediate residential areas.

According to a recent report, Colombian WHRDs working on the issue of land and displacement "face continued harassment with tactics used to engender fear and to dissuade them from continuing in this work."⁴⁴ In February 2008, a plot to assassinate Maria Ligia, was uncovered. Maria Ligia has been accused of belonging to the *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia, or FARC). Several investigations have been undertaken using the same "evidence", even though this has been dismissed and discredited. The *Comisión Intereclesial de Justicia y Paz* (Inter-Church Justice and Peace Commission, or CIJP) claims that these accusations are without foundation.

Defamation is frequently used in Colombia to discredit and divide activists to inhibit their political work by destroying their political identity. Maria Ligia's prominent work frustrates the groups that pursue the militarization of territory and daily life. Her work also creates a precedent for future initiatives by other communities, planting the idea in people's minds that it is pos-

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Defamation is frequently used to discredit and divide activists to inhibit their political work by destroying their political identity.
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⁴⁴ AB Colombia, ODHACO, and US Office on Colombia, *Women Human Rights Defenders and the Struggle for Justice in Colombia*, (September 2011), p. 15. Available at: http://www.abcolombia.org.uk/downloads/columbia_report2011.pdf

sible to break with the 'logic of violence', and to strive for an end to large-scale mono-cropping, extensive cattle ranching, and massive timber exploitation, which leave no place for plant and animal life or the ancestral inhabitants of the region. Strategies of criminalization, if successfully employed, will not only discredit Maria Ligia's work, but humanitarian zones and human rights work as a whole.

Tags: Militarization; normalization of military presence; non-State actors; Colombia.

The second case illustrates how already marginalized communities, in this case poor, Indigenous and campesino women activists in Mexico, are at heightened risk of violence in retaliation for their attempts to organize. Rosendo and Fernandez are two women who are part of the *Organizacion del Pueblo Indigena Mepha'a* (Organization of the Indigenous Mepha'a People, or OPIM) that has organized to defend its rights. The rape of the two women by army officers in separate incidents not only constitute heinous violations in themselves, but must be seen as part of a broader strategy to discourage the activism of the Indigenous community as a whole, by shaming the community and exposing their vulnerability.

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The rape of the two WHRDs by army officers in separate incidents not only constitute heinous violations in themselves, but must be seen as part of a broader strategy to discourage the activism of the Indigenous community as a whole, by shaming the community and exposing their vulnerability.
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CASE 1.7

**Normalization of Military Presence:
Case of Organizacion del Pueblo Indigena
Mepha'a (OPIM, Mexico)**

Peace Brigades International

Since the late 1970s, Mexico's national security policy has been guided by a military perspective. The state of Guerrero in particular has witnessed constant army intervention under the auspices of the fight against guerrilla movements. Mexican human rights organizations claim that Indigenous communities in Guerrero are viewed by the government as potential enemies and consequently are targeted by the army who aim to disrupt their efforts to collectively and non-violently organize for the protection of their rights. The armed forces have been responsible for a number of serious human rights violations against the rural population, such as torture, enforced disappearances, extrajudicial killings and sexual aggression, particularly against Indigenous and peasant women, showing the underlying gender discrimination and racism behind this violence. Since the 1960s, women in Guerrero (mothers, wives, sisters, or daughters of the disappeared) have taken on an increasing role challenging the state to locate their family members. Additionally, since 2000, in Indigenous and rural communities where the men hide

when the army enters the community, it is women who have confronted the soldiers, denounced rapes, and demanded justice.

Valentina Rosendo and Ines Fernandez are members of the *Organizacion del Pueblo Indigena Mepha'a* (Organization of the Indigenous Mepha'a People, or OPIM). In 2002, both women were attacked and raped in separate incidents. These attacks are paradigmatic examples of broader attacks on Mepha'a Indigenous communities that are intended to stop their protests and calls for justice and human rights in their territories.

Inés Fernández and Valentina Rosendo reported the attacks to the authorities, but no one was brought to justice. Instead of taking steps to carry out full and impartial investigations, the military investigators tried to refute the allegations, placing the burden of proof on the women themselves and refusing to accept evidence of rape. During their fight for justice, Inés Fernández, Valentina Rosendo and their families were targets of intimidation. Threats against them escalated after they appealed to the inter-American human rights system.

On 1 October 2010, the Inter-American Court of Human Rights (IACtHR) published two decisions against the Mexican State. The rulings determined that both women were raped and tortured in 2002 by members of the Mexican armed forces, and the deliberate nature of the attacks was emphasized. The tribunal considered that the soldiers' aim was to punish the women for their perceived lack of cooperation, in a context of poverty, discrimination, and what the Court called 'military institutional violence'. The Court has argued that the continuing presence per se of the military officers in the area represents an act of intimidation for Inés Fernández, Valentina Rosendo, their family members, as well as for other members and leaders of Indigenous organizations, because of the traumatizing experiences the soldiers had already caused.

Tags: Militarization; normalization of military presence; gender-based violence; Mexico.

2) Sexual violence against WHRDs

The following case from the Democratic Republic of Congo (DRC) illustrates the experiences of seven activists (women and men) working with victims of sexual violence, and depicts several key aspects of the significance of sexual violence in a militarized context.

The systematic and targeted use of rape in the context of the DRC highlights the deeply gendered deployment of sexual violence as a weapon of war. As noted in the case, the almost ritualized use of sexual violence against women—through the widespread oc-

currence of sexual mutilation, rape, and sexual slavery—is aimed at controlling and instilling fear in the community at large. The activists in this case, who were working with victims of sexual violence, are harassed and threatened with sexual violence or death, because of their work in exposing the role of the military in carrying out large scale sexual violence and rape. This case exemplifies the highly charged nature of a militarized environment, where the permissive context of war is fed by impunity for violations committed by army officers.

CASE 1.8

**Sexual Violence Against WHRDs:
Cases from the Democratic Republic of Congo**

Front Line Defenders

From 2005 to 2010, Front Line Defenders issued urgent appeals for several cases of WHRDs, including male defenders of women’s rights, in the Democratic Republic of Congo (DRC).

The risks faced by women human rights defenders in this country are indicative of the climate of violence and impunity that reigns in DRC. Sexual violence in the country escalated during the First Congo War in 1996 until the overthrow of Mobutu Sese Seko in 1997, and continued during the second war in 1998 until late 2000s as militias struggle over the rich deposits of gold, diamonds, coltan, and other ores and minerals in DRC. The war-torn provinces of North and South Kivu on the DRC’s eastern border with Rwanda are the nexus of this widespread violence against women.

Sexual violence has been systematically used as a weapon of war—a tactic employed by the armed groups to punish communities for supposedly supporting their enemies, to demonstrate control or to instill fear, or to provide sexual gratification to soldiers. Such license to rape was part of the war objectives to dishonor the women, and subjugate the enemies. Initially committed by combatants affiliated with major armies in the region including the Congolese, the ethnic Tutsi troops of Laurent Nkunda and various ethnic Hutu insurgent groups, sexual violence has become so prevalent that civilians also committed rape and other sexual offences with impunity.

As the war continued, sexual violence had become endemic in the communities and ethnicity appears to be a factor in the choice of the victims. A letter by Congolese women’s groups to the UN Security Council in April 2008, mentions that 880 rape cases were documented by aid groups and UN agencies in North Kivu. Rape victims were as young as infants and as old as 80-year-old grandmothers. Some women were raped by indi-

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Sexual violence has been systematically used as a weapon of war—a tactic employed by the armed groups to punish communities for supposedly supporting their enemies, to demonstrate control or to instill fear, or to provide sexual gratification to soldiers.
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viduals or groups of soldiers who encounter them in the fields, forests, or along the roads. Others were abducted and held as sex slaves by military commanders. Many of the victims were mutilated by the rapists, or gravely injured by having wooden sticks or guns inserted in their vaginas. The letter estimated that the figure represented only a tenth of the actual cases, since most go unreported because of fear, shame and impunity.

The WHRDs assisted by Front Line Defenders were working to support victims of sexual violence committed during the war mostly by members of the military and armed groups. Because of their activism for women's human rights, Justine Masika Bihamba, Anciette Kabala, Rebeca Agamile, Sifa Bunyere and Wabiwa Kabisuba, and Christian Namegabe Mahenshe suffered death and rape threats, personal assaults or assaults and killing of family members.

Wabiwa Kabisuba was a member of *Voix des sans Voix ni Liberté* (VOVOLIB), a center for victims of sexual violence in Sud-Kivu, DRC. She was responsible for monitoring sexual violence cases, and worked as a counselor in the center. On 18 May 2008, eight men in military uniform and armed with rifles broke into her house of Wabiwa in Panzi, Bukavu in South Kivu Province. She was dragged outside by force, and was shot dead. She was 27 years-old, and was the mother of four children.

On 8 May 2009, unidentified armed men broke into house of Anciette Kabala, the executive secretary of the local women's organization *Parlement de la Jeune Fille* (PAJEF), who was assisting two young girls from the CFL area of Kalemie to file a complaint before judicial authorities in relation to their rape, allegedly committed by individuals identified with the military. She was seriously intimidated and threatened that if she did not drop the cases of the rape of the two young girls, she would be killed. Her younger brother, Lupango Kabala, aged 19, who tried to intervene, was shot in the left arm and chest and died at the scene as a result of his injuries. On 10 May 2009, Anciette further received an anonymous telephone call warning her that she had not been killed the first time, but that next time, she would not escape death. For her security, she was forced to leave her house and seek refuge elsewhere.

Justine Masika Bihamba is the coordinator of *Synergie des Femmes pour les Victimes des Violences Sexuelles* (SFVS) in Northern Kivu, east DRC. Workers at the organization have regularly been threatened and attacked because of their documentation of sexual violence in the country. On the evening of 18 September 2007, Justine's children were assaulted by six armed men in military uniforms who broke into their family home. One of the men attempted to rape her eldest daughter and punched the face of her youngest daughter, who lost a tooth in the attack. While this was happening in one of the rooms, her other children were tied with belts at gunpoint in the living room. Jus-

tine documents sexual violence against rural and urban-based women and gathers evidence of war crimes.

Rebecca Agamile is treasurer of *Solidarité Feminine pour la Paix et le Développement* (SOFEPADI) an organization that documents human rights violations and advocates for women's rights. Rebecca and her 16-year old daughter were threatened with death and rape when eight men wearing balaclavas broke into their home on 1 October 2009. Seven of the men carried firearms and one was armed with a knife. Once inside, they blamed Rebecca and SOFEPADI for accusing members of the armed groups of sexual abuse. On 7 October 2009, Rebecca's relatives received a call from the phone stolen by the attackers from her house threatening to go to her house that night and kill her. SOFEPADI reported that the number of threats against its members has increased since 2008 as armed groups accused members of the organization of providing evidence before the International Criminal Court regarding cases of sexual violence committed as war crimes by armed groups involved in the conflict.

Sifa Bunyere is the coordinator of the *Association des Femmes pour L'Assistance aux Défavorisés* (AFAD), an organization that defends victims of sexual violence in Goma, DRC. Since 1 April 2008, Sifa had received phone calls and a letter at her home threatening her with death because of her work to defend victims of sexual violence in Goma.

Christian Namegabe Maheshe is a member of *Réseau national des ONG pour le Développement de la Femme en République Démocratique du Congo* (RENADEF) in Uvira, South Kivu, DRC. RENADEF has set up a programme for the protection and assistance of women and girls victims of violence in the Eastern part of the DRC and it provides legal assistance to women victims of sexual violence. On 8 April 2009, Christian was called in by the Office of the Public Prosecutor at the Court of First Instance in Uvira in relation to 250 cases of sexual violence against women and girls that he reported to the said office on behalf of RENADEF. The public prosecutor intimidated Christian into personally delivering the summons to the alleged perpetrators, and bringing them before the prosecutor. It was reported that the public prosecutor also threatened that if he failed to do so, Christian and RENADEF would be prosecuted for abuse of the justice system. On 23 April, the same request and threat were reiterated. Front Line issued an urgent appeal to alert government authorities about this case.

Tags: Militarization; sexual violence; gender-based violence; DRC.

3) Threats to WHRDs from non-State actors such as paramilitaries and illegal armed groups

The case of Ingrid Vergara below, like the first case in this section (See Case 1.6 under ‘normalization of military presence’) shows the ways in which the proliferation of armed non-State actors poses specific threats to WHRDs. The failure to recognize paramilitaries in Colombia as powerful actors that systematically inflict violence and intimidation on surrounding communities is captured by the State’s practice of labeling them as ‘emerging criminal gangs’.

CASE 1.9

Threats to WHRDs from Non-State Actors: Case of Ingrid Vergara (Colombia)

Peace Brigades International

Ingrid Vergara, member and spokesperson of the *Movimiento Nacional de Víctimas de Crimenes de Estado* (National Movement of Victims of State Crimes, or MOVICE), is widely known for campaigning against impunity in cases of human rights violations committed by paramilitary groups, which she claims have often operated with the support of the armed forces and local politicians. She also works on the issue of the return of lands stolen during the course of paramilitary operations.

Over the past decade, 52 families that were displaced from the La Alemania farm in San Onofre, Sucre have struggled to regain their lands taken over by paramilitaries from the ‘Heroes of Montes de Maria’ Block. MOVICE has accompanied these families since 2008. Fifteen people have been murdered for their efforts to reclaim these 550 hectares of property. MOVICE has also documented and publicised cases of homicides, extrajudicial executions and enforced disappearances that they attribute to the armed forces and paramilitary groups in the region.

Ingrid Vergara has had to withstand various forms of harassment in recent years, many of which have involved her daughters. Most recently, in April 2011, Cendy Torres Vergara, 15 years-old, received telephoned death threats. The caller said ‘You have 78 hours to leave. Shut up and make your ... bitch of a mother shut up because we are going to finish you all off.’

According to reports published by the *Corporación Nuevo Arco Iris* (New Rainbow Corporation, or CNAI), since the official end of the demobilisation process involving the *Autodefensas Unidas de Colombia* (United Self-Defence Forces of Colombia, or AUC) in 2006, the actions of new paramilitary groups have principally consisted in threats and acts of intimidation, especially against grassroots and victims’ organisations. However, the Colombian

Government claims the harassment and attacks are the work of 'emerging criminal gangs'. The Government treats the grave situation of violence and frequent human rights violations as a criminal matter, ignoring the political, economic, and structural dimensions of the armed conflict.

WHRDs like Ingrid Vergara find it difficult to explain that they are attacked because of their work and thus have specific protection needs. A recent study found that:

There are clearly some important gender issues to take into account when designing protection programs. As women are often the primary care providers of their children and extended family, a number of the protection measures offered to them, when not extended to their immediate family, mean they cannot be taken up by women defenders. Because of the work they undertake, women defenders face increased vulnerability in their everyday lives. These additional vulnerabilities often relate to class and poverty issues. An example of this can be seen with regards to health care; women defenders with no health care plans are forced to leave their house in the early hours of the morning to queue outside the hospital for medicine for their sick children. This is a time when, for their own safety, they would normally not leave the house as there are few people around and the risk is greatly increased that they could be attacked or killed with no protection or witnesses. Women defenders have also reported that, when evaluating the financial support offered, functionaries of the Protection Program often undervalue the time that women defenders dedicate to their work, and thus the support offered to them, including for transport, is often less than that offered to men.⁴⁵

However, for Ingrid Vergara all these measures make little sense if her core protection need is not fulfilled: to address the impunity enjoyed by perpetrators of threats and attacks. The denial of the existence of paramilitary groups, and the tendency to classify them as crimes committed by common criminals, constitutes a barrier to effective investigation. Impunity, the unhindered presence of well-known perpetrators at the local level in everyday life and attacks against the children of whom WHRDs in many cases are the primary care providers, may cause feelings of vulnerability and total helplessness against the perpetrators' power. According to organizations that offer psychological support to WHRDs, this unhindered violation of personal privacy has a gendered impact that can be understood when compared to some of the frequent effects of a sexual violation: attack against one's dignity, control of privacy, sensation of dirtiness, pain, humiliation and shame, or perceived stigmatisation.

Tags: Militarization; non-State actors; Colombia.

⁴⁵ Ibid., p. 25.

C. Contexts Characterized by Globalization

What do we mean when we refer to ‘globalization’?

In this report, globalization is understood as a range of economic processes encompassing ‘policies focused on economic growth liberalization of national economies, privatization of public services and de-regulation of trade and finance’.⁴⁶ While globalization is manifested through these different economic processes, it is shaped by and grounded in particular notions of what constitutes value, progress, and ideal life-styles that are informed by neoliberal principles, capitalist ideology, and linear theories of development. Globalization is therefore understood as a multi-faceted phenomenon, which has a broad effect on societal structures, political institutions and cultures of populations in different parts of the world.

Globalization has a wide-ranging impact on the protection and realization of human rights around the world through the spread of ‘competitive market capitalism’, privatization, and free trade policies, which is combined with reductions in government spending. This has led to the concentration of economic wealth and power in the hands of a few key actors, rather than resulting in the equitable distribution of economic gains and benefits across different groups.⁴⁷ Not only have the majority of the world’s poor not benefited from globalization, but in many cases, they have been disproportionately adversely affected by its negative consequences. For example, poor and socially marginalized communities have been impacted by cuts in government spending and reduction in or privatization of social services accompanying their government’s pursuits of the neoliberal economic model. Additionally, aggressive policies of economic development have often led to the appropriation of lands and resources of local, rural or Indigenous communities, leading to mass-displacement, increased poverty, and large scale violations of economic, social and cultural rights. The transnational nature of the neoliberal model—particularly the role multinational

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⁴⁶ ‘Neoliberalism: an economic theory which opposes state intervention in the economy and believes in the free operation of the market.’ From: AWID, “Ten Principles for Challenging Neoliberal Globalization”, *Women’s Rights and Economic Change*, No. 6, December 2003, p. 2. Available at: <http://www.iiav.nl/ezines/email/AWIDfacts&issues/2003/No6December.pdf>

⁴⁷ See: Aldo Caliari, et. al., *Bringing Human Rights to Bear in Times of Crisis: A human rights analysis of government responses to the economic crisis*. (AWID, Centre of Concern, Centre for Economic and Social Rights, Centre for Women’s Global Leadership, and ESCR-Net, March 2010), available at: http://www.escri-net.org/usr_doc/HRResponsestoEconCrisis_Final.pdf; and AWID, op. cit.

corporations—increases the difficulties in holding the perpetrators of these violations accountable for their actions.

As discussed in the previous section on fundamentalisms, factors such as poverty and economic inequality—caused by or made worse by neoliberal policies and privatization—have provided a context in which fundamentalist actors gain legitimacy through claims to address these issues on behalf of their constituencies.⁴⁸ Additionally, the privatization and ‘off-loading’ of public services onto religious institutions or ultra-conservative groups has increased their legitimacy because of their provision of formerly State-run services to communities. Fundamentalist actors have often promoted neoliberal and ‘pro-business’ policies in order to be identified with economic growth and accumulation of wealth, thus gaining a broader platform for the promotion of their fundamentalist ideologies.

The most recent financial and economic crisis, which began in 2008, is a symptom of the failure of the neoliberal model as it was propelled by ideologies and practices which neoliberal globalization has advocated: deregulation, integration of economies, an unbridled belief in markets and the privileging of the finance sector.⁴⁹ The economic and financial crisis is therefore one facet of broader systemic crises in the areas of food, water, energy, environment/climate, human rights and care.⁵⁰

It is important to note that while globalization has increased the vulnerability of populations in many aspects, for many disadvantaged and marginalized groups in different parts of the world, living in states of insecurity and vulnerability have already long been the norm because of their historical subjugation through colonialism amongst other factors.⁵¹

How have globalization and the financial crisis affected women?

Globalization is a deeply gendered process. It fails to consider structural inequalities such as sexism and racism in a false presumption of a ‘level playing field’ whereby all peoples are economic actors with the same resources and accessibility to the market. In fact, globalization exacerbates inequalities by encouraging ‘capitalization’ on inequalities to gain ‘market advantage’. For example, the ‘cheap labor’ in many developing countries is promoted as their competitive advantage in

⁴⁸ C. Balchin, op. cit., p. 9-10.

⁴⁹ Natalie Raaber and Diana Aguiar, *Feminist critiques, policy alternatives and calls for systemic change to an economy in crisis* (Paper for AWID, February 2011) p. 1-2. Available at: https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=IAFFE2011&paper_id=262

⁵⁰ Ibid.

⁵¹ Ibid.

the global market, however in real terms this ‘economic advantage’ is based on inadequate wages, and unsafe and insecure working conditions—particularly for women and children. As such, globalization is viewed by many as a key threat to the human rights of women.⁵² The specific effects of globalization on the rights of women are subject to a variety of factors, including the political context within the nation or region (including its relation to multilateral institutions), the proportion of women in the formal workforce, and the existence and quality of ‘social protection nets’.⁵³ Women are also affected differently within families due to gendered divisions of labor and higher proportion in informal labor. For example, women tend to shoulder additional financial burdens and care responsibilities, consume less, and increase unpaid labor to compensate for reduced social services.

The financial crisis has magnified many of the negative effects of globalization. For example, it has resulted in lower standards of living and fewer employment opportunities (and particularly decent work) for women in developed and developing countries, placing them in more vulnerable positions by threatening their economic independence.⁵⁴ Additionally, the lack of institutionalized protections for women, often directly linked to or worsened by policies of liberalization, has meant that women workers are not always adequately protected by labor laws, particularly in informal or unregulated sectors, leaving them vulnerable to exploitation and abuse.⁵⁵

Finally, another important effect of the financial crisis has been its relationship to the increase in violence against women due to, among other factors, increasing levels of stress and insecurity on families and communities, which is exacerbated by other crises in areas of food, fuel and climate.⁵⁶ As seen in other contexts examined in this report, crises tend to see a proportional increase in both risk and incidence of violence

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Globalization is a deeply gendered process. It fails to consider structural inequalities such as sexism and racism in a false presumption of a ‘level playing field’ whereby all peoples are economic actors with the same resources and accessibility to the market.

⁵² AWID, op. cit.

⁵³ See: Nerea Craviotto, *Brief 10: The Impact of the Global Economic Crisis on Women and Women’s Human Rights Across Regions*. (Toronto: AWID, 2010), p. 4; Natalie Raaber, *Brief 11: The Impact of the Crisis on Women: Main Trends Across Regions*. (Toronto: AWID, 2010), p.5; Dzodzi Tsikata, *The Global Financial Crisis and Women in West Africa: Developing Impacts and the Implications of Policy Responses*. (AWID, 2009).

⁵⁴ N. Raaber, op. cit., p. 5. Also see: Yakin Erturk, “UN Special Rapporteur on Violence against Women calls on women and men to unite in times of economic crisis”, a statement released by the Office of the United Nations High Commissioner for Human Rights, 6 March 2009) Available at: <http://www.unhcr.ch/hurricane/hurricane.nsf/0/936CC1D65378D4E2C12575710061AD9D?opendocument>

⁵⁵ AWID, op. cit.

⁵⁶ Natalie Raaber, op. cit. See also: World Health Organization (WHO), *Addressing Violence Against Women and Achieving the Millennium Development Goals*. (Geneva: WHO, 2005).

against women, which may have a domino effect on other aspects of women's lives, such as their ability to work or to participate in the public sphere. Domestic violence, trafficking in women and sexual exploitation of women has increased during the crisis.⁵⁷

How does globalization and financial crisis affect WHRDs?

WHRDs play an important role in addressing a number of issues deriving from the spread of globalization, in addition to playing a prominent role in the anti-globalization movement.⁵⁸ WHRDs are challenging violations of Indigenous rights, land tenure, labor rights and economic, social and cultural rights, all within the diminished public space and accountability afforded in contexts characterized by globalization. Globalization has also seen a rise in the power and influence of specific economic actors, which has not been accompanied by a commensurate framework for their accountability. For example, the absence of legally binding international norms governing the conduct of multinational corporations, combined with the inability or unwillingness to prosecute at the domestic level have meant that human rights violations against communities and defenders by private enterprise have been difficult, and sometimes impossible to prosecute. Until international norms catch up with the need for human rights protections from private enterprise, the duty to protect individuals remains within the traditional realm of State obligations.

..... As already mentioned, the economic processes and projects accompanying globalization have increasingly meant the forced acquisition of Indigenous lands and natural resources for the purposes of economic development. The appropriation of land has been accompanied by a host of other issues such as the exclusion of local communities from decision-making, lack of fair compensation, and concentration of economic or other benefits in the hands of private enterprise or government. Indigenous WHRDs who advocate for the rights of their communities to land or natural resources are therefore often subject to attack by both State and non-State agents who view Indigenous activism as a threat to their economic self-interest.⁵⁹ Indig-

WHRDs are challenging violations of Indigenous rights, land tenure, labor rights and economic, social and cultural rights, all within the diminished public space and accountability afforded in contexts characterized by globalization.

⁵⁷ Natalie Raaber, op. cit. p. 22-23. See also: Thalif Deen, "Food Crisis To Impact Women and Children Heavily", *Interpress Service News*, 2008 (Available at: <http://www.countercurrents.org/deen300408.htm>); and Jessica Espey, et. al., *Tackling violence against women and girls: High in rhetoric, low in practice?* Available at: <http://blogs.odi.org.uk/blogs/main/archive/2008/11/20/5710.aspx>

⁵⁸ S. Abeysekera, op. cit., p. 4.

⁵⁹ ISHR, Forum Asia, and IWRAW-Asia Pacific, *Submission to the Advisory Council of Jurists of the Asia Pacific Forum of National Human Rights Institutions*

enous women defenders are particularly vulnerable due to their gender, compounded by discrimination against Indigenous peoples, and their social, political or economic disenfranchisement. Additionally, the absence of legally binding international norms, or gaps in national legislation, have often resulted in limited avenues to hold private enterprise to account for violation of human rights. The collusion of government with private enterprise for mutual economic benefit has also meant that women defenders advocating on land issues are caught in between these actors, with limited or no access to redress. As in other contexts, violence against Indigenous women defenders aimed at restricting or ending their activism may take a gender-specific form such as sexual harassment or sexual abuse.⁶⁰

Globalization has increased labor-intensive production in countries with minimal protection for workers and poor pay, as a cheap workforce is the country's so-called 'economic advantage'. WHRDs have taken up a number of labor issues, such as the right of women workers to fair and equal remuneration, the right to unionize, and to better working conditions, in addition to working on human rights issues in relation to trafficking and migration.⁶¹ This has placed women defenders at risk from a number of non-State actors such as members of organized criminal gangs or private enterprise. Female labor activists working in the agricultural and industrial sectors have also been subject to assassination attempts and death threats as well as threats of sexual violence for their work.⁶²

Defenders working on the promotion and protection of economic, social and cultural rights have faced increasing challenges to their work due to globalization and the economic crisis. In addition to facing the same threats as other defenders such as intimidation, attacks, and threats from a number of State and non-State actors, defenders have also had to combat the non-recognition of economic social and cultural rights as human rights.⁶³ Also, adding to the negative impact that the financial crisis has already had on the realization of economic social and cultural rights such as the rights to food, housing and education, the weakening of the political will of States to prioritize economic social and cultural rights has meant further challenges for defenders working in this arena.⁶⁴

Finally, the financial crisis has affected the availability of already low

on the impact of the activities of transnational corporations and other business enterprises on human rights defenders. (Unpublished, May 2008) p. 6.

⁶⁰ Ibid .p. 7.

⁶¹ S. Abeysekera, *op. cit.*, p. 7.

⁶² *Submission to the Advisory Council of Jurists of the Asia Pacific Forum of National Human Rights Institutions on the impact of the activities of transnational corporations and other business enterprises on human rights defenders.* (May 2008) submitted by ISHR, Forum Asia, and IWRRAW-Asia Pacific. p. 7.

⁶³ Ibid. p. 6.

⁶⁴ A. Caliri, *et. al.*, *op. cit.*, p.4.

levels of resources for carrying out a range of women's rights work and sustaining the activism of WHRDs. For example, due to overall drops in overseas development assistance and cuts to aid budgets from some donor countries, the net amount of funding available has been reduced, and is likely to further decrease in coming years.⁶⁵ Given the numerous ways in which globalization and the financial crisis itself are affecting women's rights, it continues to be vital for WHRDs and their organizations to continue to receive financial support for carrying out their work.

Case studies

The case studies cover the following topics:

1. Lack of accountability of economic actors
2. Defending rights to land and natural resources
3. Vulnerability of WHRDs working on economic social and cultural rights

1) Lack of accountability of economic actors

The case below, pertaining to the Association of Xinka Women in Guatemala, highlights how activist Lorena Cabnal and members of her organization have been threatened for their activism against mining on their lands. In the Xinka community, women appear to relate quite strongly to issues of land and natural resources, with which they believe they 'share a bond of femininity'. This indicates that women are more likely to take an active role in defending communal lands and territories, which they see as strongly linked to their own identities and that of their peoples. Even though women are shown to have strong feelings regarding the issue, they are not necessarily included in decision-making processes in relation to their lands, as mining companies tend to negotiate with men, thereby reinforcing gender hierarchies of power within the community.

A key issue in this case is the lack of accountability of economic actors, who often have the support of the State or political parties, because of deliberate policies to promote economic growth through collaborations with private foreign/transnational companies, as well as the lack of domestic protections in place to ensure that the rights of local populations are protected. This case additionally highlights the prevalence of non-State actors such as organized criminal gangs, economic actors such as the representatives

⁶⁵ Lydia Alpizar, et. al., *Brief 1: Trends in Bi-lateral and Multi-Lateral funding*, (Toronto:AWID, February 2010) p.15.

of the mining and oil industries, and landlords, and how Indigenous communities are caught in between these various actors.

CASE 1.10

Lack of Accountability of Economic Actors: Case of Association of Indigenous Xinka Women of Santa María Xapalán (Guatemala)

Peace Brigades International

The *Asociación de Mujeres Indígenas de Santa María Xalapán* (Association of Indigenous Xinka Women of Santa María Xalapán, or AMISMAXAJ), formed in February 2004, is led by 75 women, representing 15 Xinka communities in Jalapa, South East Guatemala. They work from the local to national level, actively promoting women's rights, the revitalisation of Xinka ethnic identity, and the defence of land, territory and natural resources. They are vocal in their opposition to mining and oil industry activities and plans in the region, demanding the recognition and respect of the collective rights of Indigenous Peoples and women's rights. On 27 May 2010, the Ministry of Energy and Mines authorized the Canadian company Goldcorp to hand over the rights of the silver mine Escobal to Minera San Rafael, a subsidiary company of the transnational Tahoe Resources Inc. of Goldcorp. AMISMAXAJ has positioned itself against this move, given that the communities had not been informed or consulted, and because it believes the mine threatens the area's natural resources.

Lorena Cabnal, member of AMISMAXAJ, and other AMISMAXAJ members have been threatened by people involved in the granting and extension of mining licenses in the region. She explains that, '16 licenses have already been granted in the department, and 14 more are being processed, and the fact that we have publicly denounced the processes and exerted pressure to obtain relevant information has been complicated, because we have received open threats.' Peace Brigades International (PBI) who has provided protective accompaniment to AMISMAXAJ since August 2009, has documented intimidation and surveillance of several members, the burglary of the construction site of their new headquarters and a death threat issued to Lorena Cabnal.

The right of Indigenous Peoples to be freely consulted and informed prior to development is recognized in ILO *Convention 169 on Indigenous Peoples and Tribes in Independent Countries* (ratified by Guatemala in 1997), in Article 19 of the *UN Declaration on the Rights of Indigenous Peoples*, in the *Declaration on the Right to Development*, in the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic Social and Cultural Rights* (ICESCR). Article 2 of the *Charter of Economic Rights and Duties of States* stipulates that States have the

right 'To regulate and supervise the activities of transnational corporations within its national jurisdiction and take measures to ensure that such activities comply with its laws, rules and regulations and conform with its economic and social policies. Transnational corporations shall not intervene in the internal affairs of a host State.' Despite this, the majority of the processes involved in the implementation of mega-projects in Guatemala have not followed these principles. On the contrary, government policies and the interests of transnational and Guatemalan corporations have promoted the exploitation of the country's natural assets, reflecting a world-wide trend.

In the context of globalized business and enterprise activities, AMISMAXAJ members are vulnerable because human rights obligations outlined in these instruments have a non-binding character, and therefore do not provide an appropriate and adequate means of safeguarding human rights against business abuse.

In December 2009, a ruling of Guatemala's Constitutional Court upheld the non-binding nature of community referendums, saying that the state is not bound by the results unless some agreement is reached on the basis of the referendum and negotiations. "The dissent of the Indigenous Peoples does not bind the government bodies that are responsible for the projects in question," the court ruled.

Even when there are attempts at community consultation, WHRDs tend to be excluded because of their gender. The 2004 World Rainforest Movement report notes that, generally, mining companies only negotiate with men, while women tend to be excluded."

At the international level, the problem of business-related human rights violations has been recognized: for instance, the Committee for the Elimination of Racial Discrimination has recommended that the State of Canada "explore ways to hold transnational corporations registered in Canada accountable." In May 2011, Mr. John Ruggie, the UN Special Representative of the Secretary-General for Business and Human Rights, presented his *Guiding Principles on Business and Human Rights* to the Human Rights Council. The International Commission of Jurists criticized the proposal, calling for better protection for individuals for abusive practices, hold those responsible to account, and provide effective remedies to victims.

Tags: Globalization; lack of accountability of economic actors; Guatemala.

2) Defending rights to land and natural resources

The case below profiles the opposition to mining and the construction of a cement factory in their town by the peoples of San Juan Sacatepéquez in Guatemala. The Government's declared 'state of prevention' is utilized to crack down on protests and public meetings in opposition to the economic developments in San Juan. While the stated intention behind such a declaration is to control violence in the region, the broader aim behind the 'state of prevention' is to preserve a 'stable' economic environment that does not discourage foreign investment and therefore jeopardize the economic goals of the Government. The use of 'emergency' security legislation allows the State to disperse protestors, waive the need for consultations, and detain women activists, among others. The exceptional state of affairs also creates a permissive environment in which women defenders are intimidated, sexually assaulted, and vilified as 'terrorists'.

CASE 1.11

Defending Rights to Land and Natural Resources: Case of San Juan Sacatepéquez (Guatemala)

Peace Brigades International

In March 2010, the Asociación de Cámaras de Comercio Binationales de Guatemala (Association of Bi-national Chambers of Commerce, or ASCABI) in Guatemala publicly asked President Alvaro Colom to consider declaring a national 'state of prevention' in an effort to control insecurity. They argued that the rising tide of violence was discouraging foreign investment. According to the *Law of Public Order*, during a 'state of prevention' the Government can bring public services under military control, limit or prohibit the rights to strike and protest, limit or prohibit freedom of assembly, disperse gatherings by force, prohibit and control the movement of vehicles, and censor publications. A declaration of a 'state of prevention' is made by decree without the need for congressional approval, and remains in force for up to 15 days.

The Guatemalan Government argues that the 'state of prevention' is an effective or viable mechanism for tackling violence. From 2008 to 2010, it imposed a 'state of prevention' on seven occasions in different parts of the country. One example is San Juan Sacatepéquez, home to a majority Maya Kaqchikel population, known for its opposition to mining licenses and, in particular, against the construction of a cement factory. Opposition to the project had been formally expressed in April 2007 in a community consultation, however, the vote was not recognized by the municipality. Since 2006 the communities of San Juan Sacatepéquez have participated in various protest marches, mo-

bilizing up to 5,000 people. In June 2008, protesting members of the community blocked the passage of the cement company's machinery and employees. That night, a man, identified by the communities as an employee of the cement company, was killed in circumstances that remain unclear. These events were deciding factors in the subsequent 'state of prevention' decree. An analyst from Guatemala concluded that the decision to impose a 'state of prevention' in San Juan Sacatepéquez appeared to be an attempt to break up the leadership of the extensive community movement opposed to the interests of the cement producer.⁶⁶ UN experts have also suggested that 'a state of prevention was enforced in order to establish the cement works without recourse to community consultation'.

The example also shows that this use of force by the State can imply a special risk for WHRD: During the 15 days of the 'state of prevention', around 2,000 security force personnel (from the army and the national police) were present in the communities. The *Procuraduría de los Derechos Humanos* (Human Rights Ombudsman, or PDH) received 21 formal complaints, mainly about abuses by the security forces, such as demanding lodging or food from WHRDs of the municipality, and the community-reported raping of two women by policemen.

The movement *Qamolo Ki Aj Sanjauni* (translated as the 'Let Us Unite San Juan People's movement'), brings together various neighborhoods of the communities in the municipality of San Juan Sacatepéquez, who actively take part in the promotion of the collective rights of the Indigenous Peoples, and in particular defending their land and natural resources. The Guatemalan company, *Cementos Progreso Ltd.* opened the San Juan Project in 2006, which included the construction of a cement factory, and the digging of a quarry in various communities of the municipality. Since then the communities affected by the project have stood up in opposition to it, demanding information regarding their rights, and asking for their opinions to be heard.

As a result of this work, WHRDs from *Qamolo Ki Aj Sanjauni* have been victims of a variety of intimidations and aggressions. During the 'state of prevention' a WHRD was detained, being accused of illegal assembly and protest, causing a disturbance, and resisting authority. She reported that when she was released from prison, her brother did not want her to return to their house because she supports the community that is opposing the plant. She said that he attacked her with a machete the last time she saw him, injuring her head and hand. According to the report of the PDH, residents of one of the villages of the area filed a complaint alleging violations of the right to security and protection from bodily harm against the *Policía Nacional Civil* (National Civil Police, or PNC) officers. The officers

⁶⁶ Luis Solano, 'Termina Estado de Prevención; tensión continúa' in *Informpress Centroamericana, Edición 1760*, 11 July 2008.

entered the community without a court order, and fired tear gas—forcing women to raise their clothing to see if they had tattoos, which authorities consider a sign of gang membership. The office also received a report about the rape of two women by security forces.

After the declaration of the ‘state of prevention’, several opinion pieces have been written in Guatemala’s newspapers. Opponents of the cement plant have been characterized as rebellious and obstinate by some newspaper columnists. After a number of male and female representatives from San Juan Sacatepéquez had participated in the 76th session of the Committee on the Elimination of Racial Discrimination in Geneva in February 2010, the movement has been subject to grave public declarations circulating on the Internet, and through e-mails, which label the representatives of as ‘terrorists’, ‘Taliban of Guatemala/ Groups of Al-Qaida’, and ‘bad Guatemalans’.

In an interview with PBI, a WHRD from the San Juan Sacatepéquez communities opposed to the cement plant said there is a campaign in the news media to discredit them. ‘They tell people not to come to the communities because the people are terrorists and will lynch them. This hurts us. They are trying to smear the reputation of the entire community of San Juan Sacatepéquez.’ Psychosocial analysis from various experts on war and political repression argues that this is a strategy of ‘psychological warfare’. Creating a public image of female and male HRDs as suspicious inevitably casts doubt on their integrity, creating irreparable damage to their political work. As a result, WHRDs, because of their gender, may have more difficulties to be active in the public sphere and involved in the movement’s decision making. The climate of polarization and mistrust can become an extra burden when they are trying to challenge gender stereotypes.

Tags: Globalization; defending rights to land and natural resources; Indigenous defenders; Guatemala.

3) Vulnerability of WHRDs working on economic social and cultural rights

The two cases below highlight how WHRDs working on economic social and cultural rights are as vulnerable to violations as defenders working on civil and political rights. Both cases illustrate how contexts that are dangerous for human rights activism in general, coupled with contexts characterized by high rates of violence against women can contribute to the precarious situation of WHRDs.

The first case of the enforced disappearance of Sandra Gallego exemplifies the vulnerability of environmental activists in Colombia.

The ways in which communities view enforced disappearances of women in the region is also a marker of deeply gendered perceptions of women activists. Often, the disappearance of women is either seen to be a result of them ‘running away with a boyfriend’, or they are suspected to be victims of traffickers. Such rumors not only undermine the activities of women activists in defense of their communities, but can also contribute to delays in the investigation of kidnappings or disappearances. The reluctance of local communities to identify the political motivation behind the disappearance of women activists is a function of their gendered expectations of women, and the tendency to appropriate these crimes into the ‘private’ sphere, rather than recognizing that they are the direct result of women engaging in human rights work.

CASE 1.12

Vulnerability of WHRDs Working on Economic, Social and Cultural Rights: Case of Sandra Viviana Cuéllar Gallego (Colombia)

Association for Women’s Rights in Development (AWID)

On 17 February 2011, Sandra Viviana Cuéllar Gallego disappeared in the outskirts of the city of Cali, Colombia when she was traveling to the *Universidad Nacional de Colombia* (National University of Colombia) in Palmira to participate in a forum on water issues. A 26-year-old environmentalist and activist, Sandra Viviana is the director of the NGO *Sobreviviendo*, an organization that works to protect water, watersheds and wetlands in the Valle del Cauca, in the southwestern part of Colombia. During the 15 days prior to her disappearance, Sandra Viviana was working with the community of the Yumbó municipality in Cauca Valley to create an environmental management plan. Sandra Viviana worked with the NGO CENSAT Agua Viva – Friends of the Earth Colombia, participated in several international events such as the Americas Social Forum 2008, and her disappearance has worried many activists and organizations concerned with the increasing vulnerability of human rights and environmental defenders, especially women defenders.

Up until now, there has been no news about the whereabouts of Sandra Viviana. Meanwhile, the activist Hildebrando Vélez who has lead the search for the young activist, has received death threats, and part of the dossier of the work he has done to find Sandra Viviana was stolen from his home. The Inter-American Commission on Human Rights granted precautionary measures to Hildebrando Vélez on 13 June 2011. These events increase the concern and likelihood that the enforced disappearance of Sandra Viviana was due to her work in defense of the environment.

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In Colombia, aggressions and threats against NGOs are common, and particularly against men and women who defend human rights, their territories and environment, their natural resources and the right to a life with dignity. In the last 20 years, more than 27,300 enforced disappearances have been documented in the country, according to the activist Vincent Vallies, of the *Oficina Internacional de los Derechos Humanos Acción Colombia* (OIDHACO), citing statistics of the United Nations and the Colombian government. The audiovisual report from the news organization Telebraille shows that in the last three years, 1,130 persons have been forcibly disappeared; averaging more than one person a day. Furthermore, in the first three months of 2011, 96 HRDs and 64 social organizations of the country were victims of some form of aggression. These statistics indicate how widespread the aggressions against human rights and environmental defenders are.

Enforced disappearances, such as the case of Sandra Viviana, gravely violate the rights to life and personal integrity. The *International Convention for the Protection of All Persons from Enforced Disappearance* guarantees the right of all persons to not be subjected to enforced disappearances and the right of victims to justice and reparations. Impunity reigns in many of these situations even though this Convention holds States responsible for taking appropriate measures to investigate enforced disappearances and to try those held responsible. For women defenders, this form of violation of their human rights constitutes a great threat to their security. As defenders, they are vulnerable to attacks because of the work that they do, and, as women, they feel more vulnerable to mistreatment during enforced disappearances.

Tags: Globalization; defenders of economic social and cultural rights; Colombia.

The Honduran case below, depicting protests against privatization of public education, must be seen within the broader context of globalization and neoliberalization of economies, which see a reduction in State responsibility in favor of privatization or 'market competitiveness' of key public sector areas such as education and health-care.⁶⁷ The women teachers protesting against measures to privatize public education in Honduras are met with violent repression by police and arbitrary detention of teachers. Examined against the wider backdrop of femicide, repression of female journalists and feminist NGOs, the imminent threat of sexual violence and rape, and impunity for perpetrators of violence against women, the severe repercussions for women and WHRDs expressing their criticisms of public policy are clearly visible.

CASE 1.13

Vulnerability of WHRDs Working on Economic, Social and Cultural Rights: Case of Teacher Protests (Honduras)

AWID

The debate on a bill promoting the privatization of public education in 2011 and the attacks on public sector workers, including back pay owed to more than 6,000 teachers prompted mobilization and social protests in various parts of Honduras. In response to the social discontent, the regime of the current President Mr. Porfirio Lobo declared the teachers' strike illegal and issued a decree that would legalize the suspension of salaries and massive firings of teachers if they did not desist in their demands. Furthermore, the security forces of the State violently repressed peaceful demonstrations of the teachers who were supported by a diversity of social movements. Demonstrators were attacked, beaten and tear-gassed, leaving many wounded including some with gunshot wounds.

On 18 March 2011, during a violent eviction of a teacher's demonstration in Honduran capital Tegucigalpa, Ilse Ivania Velásquez Rodríguez was killed. On 24 March 2011, five teachers Ingrid Liseth Sierra, Nuria Evelyn Verduzco, Linda Melina Guillén Fonseca, María Auxiliadora Espinoza and Wendy Méndez were detained without charges in Tegucigalpa and sent to the women's jail in Támara. One of the teachers had a nine-month old baby, was denied the right to have her son with her.

These are not isolated cases. Since the current President took office, the authorities have repressed peaceful demonstrations as a general policy and increased the persecution and threats against feminist and women's organizations. Mrs. Gladys Lanza and

⁶⁷ AWID, op. cit.

the *Movimiento de Mujeres por la Paz 'Visitación Padilla'* (Women's Movement for Peace 'Visitación Padilla') have suffered a series of threats since July 2010, as have the women journalists of community radio, *La Voz de Zacate Grande*. Miriam Miranda, President of the *Organización Fraternal Negra de Honduras* (Black Fraternal Organisation of Honduras), was wounded by a tear gas canister and arbitrarily detained on 28 March 2011. The office of feminist organization, *Centro de Estudios y Acción para el Desarrollo de Honduras* (Research and Action Center for the Development of Honduras, or CESADEH), has been broken into and ransacked.

WHRDs are also affected by the impunity of the growing violence against women, which has left 50 cases of femicide in the first months of 2011. In 2010 alone, the killings of four women defenders were documented: Teresa Floresa member of the *Frete de Resistencia*; Jessica Gálvez, a member of the *Red de Mujeres Jóvenes de la Colonia 'Cruz Roja'*; and Gamaniel Parson and Neraldys, two activists of the LGBTI movement.

Tags: Globalization; defenders of economic social and cultural rights; freedom of assembly; Honduras.

D. Contexts Characterized by Crises of Democracy and Governance

What do we mean by 'crises of democracy and governance'?

This section refers to contexts where democracy or governance are weak, ineffective or otherwise under threat, and therefore affect the State's ability or willingness to guarantee protection of human rights. For example, the presence of an authoritarian government can lead to a generally repressive environment where basic civil and political rights are not guaranteed or actively violated. Alternatively, a transitional or post-conflict State may be weak or ineffective, allowing non-State actors (such as armed groups, paramilitaries, or organized crime) to threaten the safety of civilian populations, and leave the State unable or unwilling to hold perpetrators accountable. Sometimes, the military may be brought in to assume functions usually carried out by the police or other civilian authorities, which can result in normalizing a culture of violence or of derogation of State responsibilities to protect basic civil and political rights.⁶⁸ In other circumstances, emergency, counter-terrorism or security legislation

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Contexts where democracy or governance are weak, ineffective or otherwise under threat affect the State's ability or willingness to guarantee protection of human rights.
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⁶⁸ Meso-American Women Human Rights Defenders Initiative, *Violence against Women Human Rights Defenders in Mesoamerica: Regional Baseline Report – Executive Summary*. (AWID, (July 2010).

may be used by States to shut down dissent, thereby shrinking the space for the democratic exercise of freedom of expression. Even in times of relative stability, the disproportional use of force by police, discriminatory laws or policies, lack of real accountability of State and non-State actors, or lack of an efficient and fully functioning legal system can erode human rights.

How do crises of democracy and governance affect WHRDs?

The State duty to protect human rights has both positive and negative obligations: The negative obligation is to refrain from violating basic human rights; and the positive obligation is to ensure protection of human rights, including protection from violations by third parties or non-State actors.⁶⁹ States are required to provide access to effective remedies, adopt appropriate preventive measures to stop violations from occurring, and conduct fair and timely investigations into violations of human rights. However, the traditional focus on State obligations to protect human rights fails to take into account the fact that WHRDs often face threats, risks, and violations from a number of non-State actors such as family, community, armed groups, and religious or economic actors.⁷⁰ Although protection from violations is an integral part of the State's duty to protect, the inability or unwillingness of the State to hold non-State actors to account can leave WHRDs vulnerable to gender-based violations of their rights.⁷¹ Additionally, inadequacy of national legal frameworks to prosecute gender-based discrimination, rape, or domestic violence can mean that WHRDs have little recourse when their rights are violated during the course of their work.

In contexts characterized by crises of democracy and governance, serious disruptions to law-and-order lead to impunity for human rights violations because of the State's inability or unwillingness

..... to prosecute State agents or non-State actors.⁷² For example, national and trans-national crime syndicates may control large areas where they are free to use violent force because governments may be complicit in their activities, or unable to neutralize them.⁷³ Particularly in contexts where there is already general impunity for violence against women, WHRDs are at higher risk of gender-based reprisals for their work. For example, criminal groups such as drug traffickers, gangs, or paramilitary forces, who are already responsible for

Particularly in contexts where there is already general impunity for violence against women, WHRDs are at higher risk of gender-based reprisals for their work.

⁶⁹ ISHR, Forum Asia, and IWRAW-Asia Pacific, op. cit., p. 12.
⁷⁰ Meso-American Women Human Rights Defenders Initiative, op. cit., p. 6.
⁷¹ Ibid., p. 14-15.
⁷² Ibid., p. 11.
⁷³ Ibid., p. 7.

extreme forms of violence against women, may violently retaliate against WHRDs who denounce their activities or who protect others who denounce their activities.⁷⁴

Authoritarian regimes by their very nature imply repression of civil and political rights, usually with low tolerance or serious repercussions for dissent or criticism of the regime. The protection of rights such as freedom of expression, assembly and association is essential for all HRDs to carry out their human rights work. The repression of these rights shut down the space in which HRDs operate. Legal restrictions, such as burdensome registration procedures or limitations on access to foreign funding can be used to limit the right to freedom of association.⁷⁵ Violations of freedom of expression, by restrictions on publishing and disseminating human rights material or blocking access to specific internet sites, can adversely affect the defence of rights. In addition, the abuse of legal provisions, like libel, defamation or sedition charges to penalize HRDs when they criticize public policies or government officials, can not only stop them from being able to work effectively, but also deter them from future forms of public advocacy by leading to self-censorship.⁷⁶ All HRDs are made vulnerable when attempting to promote human rights under authoritarian regimes.⁷⁷ However, in many cases authoritarianism is complemented by nationalist or religious fundamentalisms, which as previously discussed, can result in extremely conservative views of women and women's rights, thus placing WHRDs at additional risk.

Security, counter-terrorism or other emergency legislation is often used against HRDs either for the purpose of criminalizing their legitimate human rights activities, or to suppress the daily operations of their organizations.⁷⁸ Labeling human rights activists as 'terrorists' or 'threats to national security' undermines the credibility of the work of HRDs and their personal reputations, and stigmatizes them within their communities, in addition to providing a broad pretext to continue harassment of defenders and their organizations that pose a threat to the interests of the authorities.

Finally, in contexts of crises, States may be incapable or unwilling to implement protection measures for HRDs, or alternatively fail to consult with WHRDs about the best possible way to address their protection needs. State-sponsored measures may not take

⁷⁴ Ibid., p. 15.

⁷⁵ International Service for Human Rights (ISHR), 'Right to Freedom of Association', *Human Rights Briefing Papers Series*. (April 2009).

⁷⁶ ISHR, 'Right to Freedom of Expression', *Human Rights Briefing Papers Series*. (August 2009).

⁷⁷ ISHR, 'Right to Freedom of Assembly' *Human Rights Briefing Papers Series*. (December 2011).

⁷⁸ ISHR (b), op. cit., p.17.

into adequate account the gender or ethnicity of defenders and fail to recognize the need for gender-specific measures.⁷⁹ For example, WHRDs may not feel comfortable with male police escorts, or a protection plan may not take into account the role of a WHRD within a household and thereby keep intrusions into the home and family life at a minimum. In other cases, the process for granting of protection measures may be slow, or perceived to be arbitrary, including failure to conduct proper risk assessments or establish clear criteria for issuing specific forms of protection.⁸⁰ Alternatively, defenders may not trust protection measures provided by the State (such as those implemented by security officers or the police, for example) if they suspect that the State agent is complicit in human rights violations, or that accompaniment is being used as a means to keep them under surveillance.

Case studies

The case studies cover the following topics:

1. Undemocratic environments
2. Failure to protect
3. Impunity for violence against women
4. Violations by State agents
5. Violations of freedom of expression and assembly

1) Undemocratic environments

In the case below of Women of Zimbabwe Arise (WOZA), the use of the *Public Order and Security Act* and other repressive legislation, to arbitrarily detain individuals and violently disrupt peaceful protests, illustrate the extremely limited space for social protest in the country. Additionally, the case highlights how the economic situation has had a disproportional effect on Zimbabwean women, who also take the lead in raising issues pertaining to access to food, healthcare, education and other issues. This places them at the receiving end of police violence due to their exposure during protests. The case also depicts the particular risks to women activists when protests are violently disrupted.

⁷⁹ Immaculada Barcia, *Urgent Responses for Women Human Rights Defenders at Risk: Mapping and Preliminary Assessment*. (Toronto:AWID/WHRD International Coalition, June 2011) p. 17-19.

⁸⁰ *Ibid.*, p. 17.

CASE 1.14

Undemocratic Environments: Case of WOZA (Zimbabwe)

Amnesty International

Women of Zimbabwe Arise (WOZA) is a Zimbabwean social justice movement, founded in 2003, which emerged in response to the disproportionate impact of Zimbabwe's economic decline on women's access to basic goods and services. The decline in the Zimbabwean economy since 2000—especially in relation to access to food, water, health care, electricity, and education—has had a disproportionate impact on women in Zimbabwe, who are the primary care-givers, not just for their own families but also children orphaned by the AIDS pandemic. WOZA currently has a membership of around 80,000 women and men. The men's wing of WOZA, called MOZA (Men of Zimbabwe Arise), was formed in 2006. WOZA's main aims are to encourage Zimbabwean women to stand up for their rights and freedoms, to give them a platform to speak out on issues that affect them, and to help them gain confidence to assume leadership in community decisions. Since 2003, WOZA members have been taking part in peaceful protests against the worsening economic, social and human rights situation in Zimbabwe. WOZA carries out lobbying and peaceful protests aimed at government officials and other targets including service providers and the police. For example, during Valentine's Day, WOZA members carry out marches, in which they typically distribute to bystanders Valentine cards, red roses, and materials prepared by the organization, such as copies of WOZA's report on the state of democracy in Zimbabwe. WOZA members also carry out peaceful protests every 8 March to mark International Women's Day.

Since its inception in 2003, members of WOZA have been subjected to harassment and ill treatment by police officers. WOZA members, including those with babies and children, have frequently been arrested at peaceful demonstrations, often to be released later without charge. Some WOZA members have been charged under repressive legislation such as the *Public Order and Security Act*, the *Miscellaneous Offences Act* and the *Criminal Codification Act*. These laws place heavy restrictions on freedom of assembly and freedom of expression, and are used by the police to deny HRDs permission to hold peaceful demonstrations.

In June 2007 seven members of WOZA were arbitrarily arrested after a peaceful protest in Bulawayo. Riot police beat the activists, and two of the women who were arrested were also beaten while in police custody. None of them received medical treatment until after their release a few days later. The women reported that police officers threw buckets of water into the cells each day, forcing them to spend time on wet concrete in winter, and the seven women were given only two blankets between

them. On 15 April 2010, 65 WOZA members were arrested at a protest over poor services and excessive billing outside the offices of the Zimbabwe Electricity Supply Authority (ZESA) in Harare. As they waited for the ZESA management to come and speak with them, riot police, armed with tear gas and shotguns, arrived. They arrested 65 members, including Jenni Williams, WOZA's national coordinator. Sixty-one protesters were released later that day, but Jenni Williams and three other WOZA members were held without charge for a further five days. On 20 September 2010, 83 WOZA activists were arrested during a peaceful march on parliament in Harare, during which they were aiming to highlight their concerns around community safety and police behavior in Zimbabwean communities and to commemorate International Peace Day (21 September). Twenty-five demonstrators were arrested, and others voluntarily climbed into a waiting police truck, effectively 'handing themselves in' in solidarity with their colleagues. They were detained without charge at Harare Central Police Station. A further 58 also handed themselves in at the police station in an act of solidarity with those previously arrested.

On 10 May 2011, riot police interrupted a peaceful march in Bulawayo, and indiscriminately beat around 40 of the protesters in an attempt to disperse the protest. The march consisted of approximately 2,000 WOZA members, who were marching to the offices of the Zimbabwe Electricity Transmission and Distribution Company to deliver 'yellow cards' (an allusion to yellow cards in football) in protest about poor services and excessive bills. On 28 February 2011, seven members of WOZA and MOZA were arrested in Bulawayo.

They were reportedly tortured at Bulawayo Central police station before being released on bail two days later, on the condition that they report to police twice a week. Later, the charges were withdrawn by the State on 10 May when they appeared at the Bulawayo Magistrates Court.

WHRDs in Zimbabwe advocating for women's human rights are targeted for non-violently defending their rights, including rights to access food, water, health care, electricity, and education for their children and other dependents, which have disproportionately affected women in Zimbabwe, as the primary care givers and in many cases the primary providers. As a result, WHRDs, such as peaceful activists like WOZA, are at risk of targeting, intimidation, and harassment by police and state agents.

The perseverance and resilience of WHRDs in continuing to speak out and peacefully protest on the issues affecting them are seen as a threat to the State. As a result the inclusion of WHRDs' voices in the public domain frequently results in arbitrary arrests and detention by State authorities in the hopes of silencing them. State authorities are particularly reactive to gatherings of large groups of women, with WOZA members stating that

whenever women gather for an event, security operatives descend on them looking to break up the meeting forcefully even though they are often simple events such as a birthday party. WOZA interprets the State authorities strong reaction to large groups of women to be a sign of fear.

Tags: Crises of democracy and governance; undemocratic environments; freedom of assembly; Zimbabwe.

The case of women's rights activists Dr. Isatou Touray and her colleague illustrates the tactics of the authoritarian regime in the Gambia under President Yahya Jammeh. President Jammeh's repeated openly hostile statements against HRDs in general, and tight surveillance of activists, particularly those with an international profile like Dr. Touray's, demonstrate the exposure and vulnerability of activists working in the country. The State control over media coverage of human rights and female genital mutilation offers a typical example of how authoritarian regimes exert control on any form of public debate or scrutiny. As the case itself well articulates, the 'swiftness and persistence of Gambian authorities in involving themselves in an administrative matter', and the perception of Dr. Touray as a potential political opponent well illustrates the heavy-handed approach of authoritarian regimes to maintaining their iron-grip once in power.

Additionally, this case also illustrates how accusations of 'financial irregularities' of NGOs can be used to harm the reputations of human rights organizations. Damage to their public image is particularly effective in cases where NGOs may be more dependent on funding their activities through the support of foreign donors, because of a generally repressive environment for human rights activism at home.

CASE 1.15

Authoritarian Regimes: Case of Dr. Touray (The Gambia)

International Service for Human Rights

Dr. Isatou Touray and Amie Bojang-Sissoho, the Executive Director and Programme Coordinator for the Gambia Committee on Traditional Practices (GAMCOTRAP) respectively, have actively fought for women and children's rights and most specifically for the abolishment of female genital mutilation (FGM) in the Gambia. GAMCOTRAP's advocacy has successfully resulted in over 100 circumcisers abandoning the practice of FGM. GAMCOTRAP's work has also helped create the space for women's concerns to be voiced in the public domain in the Gambia.

The general environment for defending human rights in the Gambia is hostile. In 2009 President Jammeh was reported as saying, 'If you think that you can collaborate with so-called human rights defenders and get away with it, you must be living in a dream world. I will kill you, and nothing will come out of it.' Freedom of expression continues to be severely limited, and there are numerous cited cases of HRDs being subject to intimidation, false allegations, detention and enforced disappearances. Eight former government officials accused of treason were sentenced to death in July 2010. WHRDs in the Gambia are targeted because of their work educating and empowering other women, creating natural constituencies of support. WHRDs are perceived as particularly challenging to the status quo, and are systematically targeted in order to discredit and silence them. Several WHRDs have been imprisoned. In 1999, President Jammeh stated that he could not personally guarantee the safety of anti-FGM activists.

The authorities have tried to disrupt Dr. Touray's work for at least 15 years. Dr. Touray resigned from her position at a Gambian Educational Institute where she had established a gender and development unit, after receiving repeated warnings from authorities about her gender equality advocacy. The tactic of using criminal charges against her and Ms. Bojang Sissoho was first employed in May 2010, when Gambian authorities set up a committee to investigate allegations of GAMCOTRAP's mismanagement of funds from Spanish donor and NGO *Yolocamba Solidaridad*. However, the committee found that *Yolocamba Solidaridad*'s dispute with GAMCOTRAP was administrative in nature and cleared the latter of financial irregularities. This resulted in the committee being dissolved and some members being dismissed from the Gambian government.

Pending the results of investigations of the same allegations of fraud by a second committee, Dr. Touray and Amie Bojang-Sissoho were arrested on 11 October 2010 for allegedly misappropriating 30,000 Euros. The President of *Yolocamba Solidaridad* released a statement saying that the dispute between her organization and GAMCOTRAP was not a criminal matter and called on the Gambian government to stop using tactics meant to damage GAMCOTRAP's work defending the rights of Gambian women. On 31 January 2011, the Director of *Yolocamba Solidaridad* testified before the Banjul Magistrate's Court, and denied accusing anyone from GAMCOTRAP of theft.

The swiftness and persistence of Gambian authorities in involving themselves in an administrative matter between two NGOs raises questions about its real motives. Authorities have chosen to file criminal charges in spite of the fact that the evidence clearly indicates that there is no criminal element to this case. In all likelihood, the Gambian authorities have used this dispute as an excuse to try to disrupt Dr. Touray's work. The court case against Dr. Touray and Ms. Bojang-Sissoho is considered

by many to be politically motivated, because of their status as women activists. It is suspected that the government has used accusations of embezzlement to personally discredit the defendants and undermine GAMCOTRAP's credibility as an organization in the eyes of the public and future donors.

After being arrested, Dr. Touray and Amie Bojang-Sissoho were sent to Mile 2 Central Prison, known for its ill treatment of prisoners as well as its poor prison conditions. To secure their release from prison, Dr. Touray and Amie Bojang-Sissoho were made to post an exorbitant bail bond of 1.5 million dalasi (approximately 36,000 Euros) each, as well as a surety. Initially, proceedings of Dr. Touray and Ms. Bojang-Sissoho's trial received plenty of media attention, with many details being sensationalized by State-controlled media outlets. Up to this point, local media outlets, such as the national television station GRTS, had given little coverage to the work of anti-FGM activists, despite the government overturning a prohibition on coverage of FGM issues to do so. The lack of media coverage given to human rights causes in general, including to landmark achievements made by anti-FGM advocates in particular, contributes to the marginalization and undermining of the credibility of WHRDs in the mind of the general public.

Dr. Touray stands out because she is one of the few female activists fighting for women's rights in a society where women often are ascribed a secondary role and are frequently detached from the political sphere. Dr. Touray has won numerous awards such as 'Gambian of the Year' in 2008, and the US Embassy's Banjul nominee for the 2008 Secretary of State's Award for International Women of Courage. Her growing international and national recognition as an activist has been misconstrued by the ruling authoritarian government as a sign of political ambition. A woman with Dr. Touray's education, personality and grassroots support, who has rallied for political and social change for women, challenging the patriarchal status quo and the authoritarianism of the regime, is likely to be perceived as a potential political opponent. Although she has never expressed interest in politics, it is reported that Dr. Touray's name has been mentioned in government circles as a potential Gambian presidential candidate.

The Gambian government's persistence in this long drawn-out court case, and its track record in threatening and attacking other defenders of human rights, raises questions about the safety and security of Dr. Touray and Ms. Bojang-Sissoho in the event they are acquitted by the court.

Tags: Crises of democracy and governance; authoritarian regimes; WHRDs against harmful cultural practices; The Gambia.

3) Failure to protect

The duty of the State to protect defenders from attacks by non-State actors, in this case, paramilitary groups, is seriously compromised in Colombia, exemplified below by the case of women's rights NGO *Sisma Mujer*. As explained in the case study, equating human rights and women's groups with the FARC guerrilla group is a technique used to discredit them, and therefore justify attacks aimed at stopping their work. The case also shows the strong links between the State and the paramilitary groups by highlighting the infiltration of the State apparatus by paramilitaries, and the susceptibility of local officials to pressure from paramilitary groups. This further impairs the willingness and ability of the State to provide protection. The Inter-American Commission on Human Rights' order to the Colombian State to implement precautionary measures to protect members of *Sisma Mujer* underscores the recognition of extreme danger in which members of the NGO operate.⁸¹ The failure of the State to execute the precautionary measures, or carry out robust investigations into reported crimes against WHRDs, amplified by the general atmosphere of mistrust of the State, leaves WHRDs not only caught between different actors, but with no effective means of redress. As seen in other situations of conflict or militarized environments, the threat of sexual violence is exacerbated by the proliferation of armed non-State actors.

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Precautionary measures are protective measures issued by the Inter-American Commission of Human Rights to 'prevent irreparable harm to persons in urgent cases'. Measures can range from physical protection, to political support for human rights defenders.
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CASE 1.16

Failure to Protect: Case of *Sisma Mujer* (Colombia)

Amnesty International

During Colombia's 45-year armed conflict, security forces and paramilitaries have labeled members of human rights organizations, trade unions and other social organizations as guerrilla collaborators or supporters. As a result this, many have been killed, threatened or subjected to enforced disappearances. Guerrilla groups have also threatened or killed HRDs they consider to be 'siding with the enemy'. Although Colombia's paramilitary groups were supposedly demobilized in a government-sponsored process that began in 2003, ongoing killings and threats against HRDs in different parts of the country suggest that they are still operating.

⁸¹ Precautionary measures are protective measures issued by the Inter-American Commission of Human Rights to 'prevent irreparable harm to persons in urgent cases'. Measures can range from physical protection, to political support for human rights defenders. For more information, see: I. Barcia, op. cit., p. 5.

The women's rights NGO *Corporación Sisma Mujer* has been working for more than a decade to support and empower women in Colombia, including those working with communities driven from their homes by the internal armed conflict. In 2009, *Corporación Sisma Mujer* provided support for women working with displaced communities who were negotiating with government representatives to organize a national meeting of such women. The meeting took place between 8 and 10 October, and on 29 October some of the organizations involved in this process received death threats from the paramilitary group *Aguilas Negras* (Black Eagles). On 17 November 2009, *Corporación Sisma Mujer* issued a press release condemning the threats.

These threats continued and on 27 January 2010 *Corporación Sisma Mujer* received an e-mail death threat from the paramilitary group *Bloque Central de las Aguilas Negras Verdad y Muerte* (Central Bloc of the Black Eagles Truth and Death). The email read, '...we continue to declare as military targets and [sic] elimination plan against those guerrilla leaders who hide behind the facade of NGOs and organizations of displaced people and those who help you under the banner of the human rights paradigm and who hinder the government's policies (... *continuamos declarandolos objetivo militar y [sic] plan de eliminación contra los líderes guerrilleros que se cubren el rostro con la fachada de ONG y Organizaciones de desplazados y quienes les ayudan bajo el paradigma de defensores de derechos humanos y quienes obstaculizan la política del gobierno*)'.

On 19 June 2011, *Corporación Sisma Mujer* was one of several Bogota-based Colombian NGOs, alongside 18 individuals, to receive a death threat by email from the Black Eagles Capital Bloc. The email read: 'Death penalty to the guerrilla bitches of the FARC that are opposing the policies of our government (*Sentencia a la pena de muerte a las perras guerrilleras de las FARC [sic] las cuales se oponen a las políticas de nuestro gobierno*)', and featured the *Bloque Central de las Aguilas Negras* logo. It went on to say that *Corporación Sisma Mujer* activists had 20 days to leave the city. Amongst those individually named in the threat was the Director of *Corporación Sisma Mujer*. The threat came only two weeks after a threat from another paramilitary group which mentioned several of the same NGOs in its warning.

Following the threats in January 2010, *Corporación Sisma Mujer* was granted precautionary measures by the Inter-American Court of Human Rights. The precautionary measures call on the state to protect those under threat. However, the measures have not yet been fully implemented, especially those specifically calling to secure the NGO office. No progress has been made by the state to investigate the threats made against *Corporación Sisma Mujer*. The investigation into the threats was carried out by a regional branch of the Office of the Attorney General. Many local NGOs ask that human rights cases being investigated by regional offices of the Attorney General be transferred to the na-

tional human rights unit of the Office of the Attorney General in Bogota. This is for several reasons: investigating sexual violence in the place where the crime occurred carries significant security risks in an armed conflict situation, especially for the victims and witnesses. Also, paramilitary groups, and to a lesser extent guerrilla forces, have in many cases succeeded in infiltrating sectors of the state apparatus at the regional level. Local officials are also more susceptible to pressure from such groups. The human rights unit in Bogota also has more resources and specialists who can more effectively investigate such threats. Requests by Corporación Sisma Mujer to move the case to the Human Rights Unit of the Attorney General's Office in Bogotá continue to be ignored.

Investigating authorities often discount political motives behind such death threats and argue they originate from criminal gangs trying to extort money. However the authorities' claims are hard to substantiate considering the threats are targeted towards HRDs exposing human rights violations committed by state actors. A fear of further violence and the lack of confidence in the state's ability to properly conduct investigations and protect them means most WHRDs do not report attacks or threats against them. The lack of investigation into the abuses committed against WHRDs in particular reinforces the notion that attacks against WHRDs are not serious enough to merit a response. The inadequacy of investigations not only increases the risks of WHRDs to operate but also undermines the legitimacy and importance of their work.

WHRDs in Colombia have been targeted in particular ways for seeking justice for the human rights abuses and violations of international humanitarian law committed against their communities. Not only are repeated threats and warnings against WHRDs used to intimidate them and silence their efforts, but social structures in Colombia that systematically discriminate against women means WHRDs also face the threat of sexual violence from armed groups. Many WHRDs targeted in threats by paramilitary groups have reported to the authorities crimes of sexual violence as women suffer consequences for their work as HRDs that are specific to their gender.

Tags: Crises of democracy and governance; failure to protect; gender-based violence; Colombia.

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The lack of investigation into the abuses committed against WHRDs in particular reinforces the notion that attacks against WHRDs are not serious enough to merit a response.

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4) Impunity for violence against women

Few contexts better exemplify the deeply misogynistic environment and complete lack of political will to prosecute violence against women than that of cities of Juarez and Chihuahua in Mexico, which are characterized by the pervasive occurrence of femicide, or targeted killings of women because they are women. As described in the case, the sheer scale of the ‘culture of discrimination and violence against women’ over two decades of large-scale killings, sexual violence, and disappearances of young women in Juarez and Chihuahua, well documented by national and international organizations, forcefully depicts the climate of impunity fostered by State inaction. The failure to prosecute violence against women has led to a self-perpetuating cycle of systematic abuse, and has also contributed to the intimidation and harassment of families of victims who attempt to seek justice, such as Marisela Escobedo Ortiz below. The killing of Marisela Escobedo Ortiz due to her role in calling for accountability of those responsible for the disappearances and homicides of women, including her own daughter, is a testament to the total impunity with which perpetrators of violence against women and against WHRDs operate.

CASE 1.17

Impunity for Violence Against Women: Case of Marisela Escobedo (Mexico)

AWID

On 16 December 2010, a group of men arrived in the main plaza of the city of Chihuahua, Mexico, and approached Marisela Escobedo Ortiz, who had been peacefully demonstrating for the previous eight days to demand that the authorities take action to detain the assassin of her daughter, Rubí Marisol Frayre Escobedo. Mrs. Escobedo ran to seek refuge in the state capital building, and on its threshold, one of the men shot her in the head and killed her.

For over two years, Marisela’s main activity had been to seek justice for her daughter who was killed in August 2008; to denounce the authorities who are complicit and negligent with the femicide; and to demand that the justice system effectively guarantee women’s right to a life free of violence. Marisela Escobedo Ortiz always demanded justice peacefully. She dedicated her time and own economic resources to do the work that the authorities did not do. She investigated to learn the truth and find the assassin of her daughter.

Marisela Escobedo Ortiz was a WHRD who, after the crime against her daughter, mobilized people, organizations, institutions and authorities, and strengthened the justice, civic and

democratic institutions to stop femicide. Her killing reveals the lack of state protection of women defenders and of effective political will to guarantee a life free of violence for women.

The cause of this killing is the culture of discrimination and violence against women that the Mexican State has maintained in the last two decades in the cities of Juarez and Chihuahua. Since 1993, the families of the victims and local civic organizations, accompanied by national and international organizations, have documented the femicide, denounced the negligence and complicity of the authorities, and constantly generated proposals and actions to ensure that governmental institutions act according to their obligations to citizens.

In 2009, the Inter-American Court of Human Rights condemned Mexico for the sexual violence, disappearances and homicides of women in city of Juarez. In the Campo Algodonero Sentence, the Inter-American Court specifies actions for the due prevention and investigation of sexual violence, disappearances and homicides of women, and the sanctioning of those held responsible. The Court also recognizes the systematic harassment and aggression against the families and women defenders who demand justice for these cases and condemned Mexico for not guaranteeing their protection, for the impunity that the perpetrators enjoy, and for not providing reparations.

Tags: Crises of democracy and governance; impunity; gender-based violence; Mexico.

5) Violations by State agents

Intimidation of whistle-blowers exposing violence perpetrated by State agents can be particularly dangerous given that the State agents have the power and resources to intimidate and threaten activists by targeting their families, personal lives and their organizations. The two cases below depict the retaliation faced by activists Valdenia Paulino (Brazil) and Alba Cruz (Mexico) for documenting and advocating for accountability of State agents who guilty of violence or abuse.

CASE 1.18

Violations by State Agents: Case of Valdenia Paulino (Brazil)

Amnesty International

Valdenia Aparecida Paulino grew up in the region of Sapopemba, Brazil. She trained as a lawyer and helped found the Centre of Human Rights of Sapopemba in 2001. The organization

works to inform locals about human rights and how to claim them, and also denounces human rights violations committed by state actors—especially the police. The organization focuses primarily on the situation of women in Sapopemba and also provides psychological assistance to victims of police violence.

As a direct result of her work as a WHRD, Valdenia has received a series of threats against her. She experienced two attempts of sexual abuse, received death threats, and was the victim of a smear campaign that tried to defame her in the community. During the latter, police officers spread rumors that they were unable to combat crime because Valdenia was involved with criminal groups and drug gangs. In 2004 she was the first WHRD in Brazil to join the National Program for the Protection of Defenders (NPPD), a federal programme linked to the Secretary of Human Rights who is assigned to provide protection for HRDs under threat. In the wake of uncovering cases of sexual abuse against girls in the community by police officers, Valdenia was assigned a Federal Police escort after she received threatening phone calls, harassment and was followed by police. Valdenia was forced to leave the country for four months because of the inability of the NPPD to guarantee effective protection for her.

Valdenia continued to receive death threats after her return to Brazil and the pressure on Valdenia intensified when she represented a young girl who was raped and tortured by a police officer inside a school. The police again smeared her name in the media by accusing her of providing legal assistance to local drug gangs. The threats were not only directed at her but also targeted her family, including an attempted kidnapping of her brother. Valdenia left Brazil again to spend six months of voluntary exile in Europe. Upon returning to Brazil, Valdenia moved to the northeast of the country and decided to remain anonymous so she can continue to focus her work on women's human rights issues.

As a WHRD, Valdenia faced numerous violations against her. Persistent and constant harassment such as death threats are commonly deployed to wear WHRDs down psychologically. Extending these threats to the family members of a WHRD is meant to exacerbate fear and intimidate them from carrying out their work. Dehumanizing and devaluing the important work of WHRDs is often the logic behind smear campaigns against women. Associating WHRDs with criminal gangs and activities attempt to discredit their work and portray them as threats to society. Campaigns to smear the name of those fighting for human rights also hopes to create a backlash against the WHRD from her community, support networks and family. All these methods are used to marginalize the legitimate work of WHRDs working on controversial issues in society.

Tags: Crises of democracy and governance; violations by state agents; Brazil.

CASE 1.19

Violations by State Agents: Case of Alba Cruz (Mexico)

Amnesty International

Alba Cruz, worked alongside nine staff members at the 25th of November Liberation Committee, a non-governmental organization based in Oaxaca City, Mexico. In 2006, widespread protests took place in Oaxaca State, during which at least 18 people were killed. The Committee was established to defend many of those who suffered serious human rights violations during the crisis. Alba represented 32 victims in long running legal struggles.

Members of the security forces and other state agents were accused of committing serious abuses including excessive use of force, arbitrary and incommunicado detention, ill-treatment and torture, and violations of due process and fair trial guarantees. However, many of the victims refused to file complaints for fear of reprisals.

As a result of her campaign for justice, Alba Cruz has suffered a pattern of death threats, harassment and intimidation by unidentified individuals who are believed to have links to the former state government of Oaxaca. Upon a request from the Inter-American Commission on Human Rights, the Mexican authorities met with Alba Cruz in September 2007, and agreed on a number of protection measures for her. One of the measures was a mobile phone for Alba Cruz which would be paid for by the State, and allow her to communicate with the authorities in case she was in any danger. Alba did not receive a functioning mobile phone until December 2009. All other protection measures requested and agreed upon have not been implemented.

Threats and attacks against Alba Cruz began to intensify in late 2009 and early 2010. In those months Alba Cruz defended a man who was wrongfully imprisoned for a homicide that took place during the 2006 demonstrations. At the beginning of December 2009, some men trying to intimidate her client said, 'Tell your lawyer to keep quiet, she's overdone it, she should stop making so much noise—we know where you, she and your relatives live (*dile a tu abogada que se quede quieta, que ya se paso, que deje de hacer tanto ruido—sabemos donde viven y sus familiares*)'. On 7 September and 31 December 2009, her car wheels were tampered with in an apparent attempt to cause an accident. On 9 January 2010 at around midnight, an unknown driver intentionally crashed into Alba Cruz as she was parking her car in front of her house. The assailant drove off at high speed. On 29 January 2010 an unknown man intercepted Alba Cruz as she was leaving her office. He grabbed her by the arm and told her: "Calm down asshole, it would be so easy to take you".

The campaign of intimidation has taken its toll on Alba Cruz's life and on the lives of those with whom she lives—her mother and her teenage daughter. The family stopped going out as they normally did, especially at night, and they can no longer exercise the freedoms they had before. Because of the threats, Alba Cruz left Oaxaca City on 25 March 2010. She went to Mexico City, and then travelled abroad in search of respite. Despite receiving a death threat by text message while she was out of the country, she returned to Oaxaca City in July 2010. On 11 January 2011 Alba Cruz received a text message on her mobile phone. The message included the following phrase: 'We know more about your protégés, how many steps you walk per block... you didn't accept what we offered... we're back (*sabemos mas de tus protegidos que tu cuantos pasos por cuadra... no aceptaste lo que te ofrecimos... ya bolvimos [sic]*)'. The message was sent from the same mobile number as previous threats sent to her and one of her defendants.

WHRD in Mexico often face serious risk of being killed or having such an attempt made on their lives. The delay and overall failure to implement protection measures by the Mexican authorities for Alba Cruz exemplifies the disregard of the State in ensuring WHRDs are able to freely exercise their human rights as well as the low value attributed to the work of WHRDs.

Tags: Crises of democracy and governance; violations by State agents; threats to family; failure to implement protection measures; Mexico.

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Intimidation of whistle-blowers exposing violence perpetrated by State agents can be particularly dangerous given that the State agents have the power and resources to intimidate and threaten activists by targeting their families, personal lives and their organizations.

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5) Violations of freedom of expression and assembly

Freedom of expression, including freedom to express criticism of government, policies and laws without fear of repression or retaliation, is essential for HRDs to be able to carry out their work in a safe environment. The right to freedom of assembly is equally important for human rights defenders, in order to organize public protests, marches or meetings around different human rights issues. The case below, of the One Million Signatures Campaign for women's rights in Iran, highlights the different types of restrictions on freedom of expression and assembly faced by WHRDs involved in the campaign. Labelling the Campaign as 'feminist propaganda' and criminalization of defenders illustrates the limited space for dissent and free expression in the context of WHRDs working in Iran.

CASE 1.20

Restrictions on Freedom of Expression: One Million Signatures Campaign (Iran)

Amnesty International

The One Million Signatures Campaign (also known as the 'Campaign for Equality') is an Iranian women's rights initiative composed of a network of women and men committed to ending discrimination against women in Iranian law. The campaign provides basic legal training to volunteers who then travel around the country and promote the campaign. They talk to women in their homes as well as in public spaces and inform them about their rights and the need for legal reform. The campaign is aiming to collect one million signatures of Iranian nationals for a petition demanding an end to the legal discrimination against women in Iran. Members of the campaign conduct their activities in full compliance with Iranian law as the Constitution permits peaceful gatherings, and gives individuals the right to hold educational workshops and collect signatures for petitions on legislative change.

However, since the campaign's inception Iranian authorities have impeded the work of its members and subjected its activists to repression. Authorities regularly block access to the Campaign's main website from inside Iran and also block the Campaign's local or provincial websites. Activists are frequently denied permission to hold public meetings, and are forced to hold meetings in the homes of sympathizers; some of whom then receive threatening phone calls from security officials after the event has taken place. Dozens of WHRDs have been arbitrarily arrested or summoned for trial because of their work on or connections to the campaign. Most have been arrested and prosecuted for vaguely worded security offences used by au-

thorities to limit the activist's rights to freedom of expression and association.

On 12 June 2005, protests during an election campaign culminated into a peaceful demonstration in Tehran calling for an end to discrimination against women in Iranian law. One year later on 12 June 2006, around 70 activists were arrested (and some beaten) at a peaceful demonstration celebrating the one-year anniversary of the protest. It was these mass arrests that triggered WHRDs to adopt a new strategy, and they created the One Million Signatures campaign.

At least two women arrested that day are now serving prison terms. Alieh Aghdam-Doust began serving a three-year sentence in January 2009 in connection with her participation in the demonstration. She was convicted by Branch 15 of the Revolutionary Court in Tehran of 'acting against national security by participating in an illegal gathering'. In May 2007, Behareh Hedayat, a university student and Head of the Women's Commission of the Office for the Consolidation of Unity who is also a member of the Campaign, was sentenced to a suspended sentence of two years' imprisonment on charges of 'acting against state security' in connection with her participation in the demonstrations. She was tried without the presence of her lawyer. She was arrested in December 2009 in connection with her peaceful activities as a student and sentenced to seven years in prison. Her fresh conviction resulted in the implementation of her two-year suspended sentence for participation in the 2006 demonstration. She is now serving a nine-and-a-half year prison sentence, as she was sentenced to an additional six months' imprisonment for a statement she wrote while in prison on Iran's Students' Day.

Members of the Campaign have also been arrested for their peaceful activities. In February 2007, two activists were detained for 24 hours for collecting signatures in Tehran, and were later sentenced to six-month suspended prison terms. In September 2007, a male member, Reza Dowlatshah was detained and beaten after hosting an educational workshop about the Campaign for Equality; and in 2008 campaign activist and journalist, Parvin Ardalan, was banned from travelling to Sweden to collect the 2007 Olof Palme Human Rights Prize. In 2011, Fatemeh Masjedi and Maryam Bidgoli became the first activists to serve prison terms for peacefully collecting signatures. They were both sentenced to one-year imprisonment, reduced to six months on appeal, by the Revolutionary Court in Qom for 'spreading propaganda against the system in favor of a feminist group (the Campaign) by distributing and collecting signatures for a petition to change laws discriminating against women, and for publication of materials in support of a feminist group opposed to the system'.

The Campaign for Equality website has been filtered on numerous occasions. At least six women associated with the Cam-

paign—Ronak Safazadeh, Zeynab Beyezidi, Behareh Hedayat, Mahboubeh Karami, Maryam Bidgoli, Fereshteh Shirazi, and Faranak Farid—are, at the time of writing in September 2011, detained or serving prison terms for activities promoting human, including minority, rights and gender equality.

On 11 May 2011, WHRD Maryam Bahreman was arrested in Shiraz by security officials believed to be from the Ministry of Intelligence, after they searched her home for three hours and confiscated some of her personal belongings. The officials who arrested her had an arrest warrant issued by the Revolutionary Court in Shiraz, which apparently accused her of ‘acting against state security’. Maryam Bahreman was held in solitary confinement until 5 July 2011 in Detention Centre No. 100 in Shiraz, which is controlled by the Intelligence Ministry. According to reports, the initial focus of her interrogations was her participation in the 55th Session of the UN Commission on the Status of Women which took place in February and March 2011.

WHRDs who are part of the One Million Signatures campaign challenge accepted socio-cultural and religious norms, laws and traditions that discriminate against women in Iranian society. WHRDs in Iran must break through multi-faceted layers of discrimination in society to actively participate as agents of change and are thus susceptible to stigmatization by others who consider their work to jeopardize religion, honor or culture. As a result, they face multiple forms of violations from authorities who attempt to silence them. In an attempt to stop women from promoting and exercising their human rights, the Iranian authorities place obstacles in the way of WHRDs attempting to carry out their legitimate activities, and they risk persecution—such as arbitrary arrest and detention—for lawful actions.

The authorities use frequent harassment and arrests for peaceful involvement in women’s human rights activism to create a climate of fear amongst WHRDs and intimidate them into silence. WHRDs in Iran are sometimes detained for long periods without charge, including in solitary confinement, and bail for their release may be set at very high amounts—which is hard for them and their families to meet. Some are refused bail altogether, and are sentenced to prison terms. It appears that by criminalizing the activities of WHRDs and discrediting them as threats to society, the Iranian authorities hope to deny them support and protection from their families, friends, and colleagues.

Tags: Crises of democracy and governance; freedom of expression and assembly; Iran

E. Contexts Characterized by Heteronormativity

What do we mean by ‘heteronormativity’?

As defined in the beginning of this chapter, heteronormativity is understood in this report as the privileging of heterosexuality and rigidly define so called ‘normal’ gender identities, roles, sexuality and sexual relations. Heteronormative discourses ‘normalize’ reproductive sex and heterosexual relationships, and marginalize or otherwise mark as ‘abnormal’ non-normative sexualities, identities and gender roles. By heteronormativity, this report refers to the institutionalization of these norms in laws, policies and institutions, as well as the expression of heteronormative assumptions in the social domain—through public discourses, cultural beliefs and social norms governing gender and sexuality. Patriarchal and heteronormative assumptions pervade most contexts and are reinforced and articulated by a number of actors through discourses governing religious, cultural, social and political domains.

How does heteronormativity affect women?

There is a synergistic relationship between heteronormativity and patriarchy because of their shared and mutually reinforcing assumptions about gender, sexuality and their common impetus to exert control over women’s bodies.⁸² Both heteronormative and patriarchal practices regulate ‘sexuality’—that is, the range of issues relating to ‘sexual orientation, gender identity, sexual and gender expression, desire, pleasure and sexual practices’.⁸³ Heteronormative assumptions may, for example, be manifest in the criminalization or discrimination of lesbian, gay, bisexual, transgender, or inter-sex (LGBTI) persons; denunciation of women’s sexual relationships outside of marriage, or declarations of reproductive sex as the only appropriate mode of sexual expression. Often heteronormative assumptions and practices serve to reinforce patriarchal power by reaffirming traditional gender roles and identities, whereby women are primarily considered caregivers and restricted access to public, political and economic life.

Contexts characterized by heteronormativity acutely impact on the attainment of sexual and reproductive rights. Sexual rights are a distinct set of rights related to sexual expression, behavior, practices and identities including the right to determine individual sexual preferences and partners, and decisions about marriage

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Women’s autonomy is inseparable from human rights such as the right to bodily integrity, freedom of expression, privacy, equality and non-discrimination. Sexual and reproductive rights must therefore be seen as an inalienable part of the broader ‘women’s human rights’ agenda.
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⁸² Ibid., p. 11.

⁸³ Cynthia Rothschild, *Written Out: How Sexuality is Used to Attack Women’s Organizing*. (New York: IGLHRC and CWGL, 2005). p. 4.

and children.⁸⁴ Reproductive rights include the right of individuals to make decisions about whether and when to have children and access to appropriate sexual and reproductive health care.⁸⁵ By demanding sexual and reproductive rights, defenders challenge control of women's bodies and identities by patriarchal institutions, policies and beliefs.⁸⁶ In every case, the governing principle of women's autonomy is inseparable from human rights such as the right to bodily integrity, freedom of expression, privacy, equality and non-discrimination.⁸⁷ Sexual and reproductive rights must therefore be seen as an inalienable part of the broader 'women's human rights' agenda, as they articulate core feminist concerns of women's autonomy, especially over their own bodies.⁸⁸

Contexts governed by heteronormative assumptions set the conditions in which violations of sexual and reproductive rights can occur, where perpetrators act with impunity and where access to justice is foreclosed. Examples of violations of reproductive rights of women include forced pregnancy, forced abortion, early marriage, and sterilization.⁸⁹ Discrimination or violence against lesbian, gay, bi-sexual, trans-gender or inter-sex persons, or stigmatization and marginalization of sex-workers exemplify violations of sexual rights.⁹⁰ Similarly, the non-criminalization of marital rape, imposition of dress-codes on women, criminalization of consensual sex among unmarried adults, virginity tests, and sexual harassment can all be seen as part of institutional, legal, social and political policing of male and female sexualities for the purpose of maintaining patriarchal and heteronormative power.⁹¹

As repeatedly identified in this report, a number of the different contexts explored are experienced simultaneously and reinforce each other. For example, fundamentalist discourses tend to result in close regulation of women's sexuality through various cultural or

⁸⁴ There is no agreed legal definition of sexual rights. See, for example: Center for Reproductive Rights (CRR), 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*. p .3, available at http://reproductiverights.org/sites/crr.civicactions.net/files/documents/CRR_HRW_CLADEM_BriefingPaper_SRHRD.pdf; APWLD, *My Body, My Life, My Rights: Addressing Violations of Women's Sexual and Reproductive Rights, 2009 VAW Consultation, in Bangkok, Thailand*. (2009). p.11, available at: <http://www.apwld.org/archive/pdf/VAW%202010%20Final%20Web%20with%20formatting%20and%20pics.pdf>

⁸⁵ See, for example: CRR, Human Rights Watch & CLADEM, op. cit., p. 4; and APWLD, op. cit., p. 13.

⁸⁶ C. Rothschild, op. cit., p. 37.

⁸⁷ APWLD, op. cit., p. 10. Also see: C. Rothschild, op. cit., p. 34.

⁸⁸ C. Rothschild, op. cit., p. 34.

⁸⁹ APWLD, op. cit., p. 13.

⁹⁰ Ibid., p. 12.

⁹¹ Ibid., p. 13.

religious practices which reinforce heteronormative controls over sexual identity and justify homophobia.⁹² Fundamentalist actors attack sexual rights advocates by labeling them as blasphemous or as ‘atheists’; as ‘bad’ Christians/Hindus/Muslims, or refer to their work as ‘Western imports’ or ‘anti-national’ in order to discredit them and undermine the effectiveness of their work.⁹³ By linking sexual rights to prejudices and deeply held anxieties governing sexuality and gender, fundamentalist actors manipulate popular sentiment against sexual rights or reproductive rights advocates, contributing to a permissive environment for attacks against WHRDs working on these issues.

What are the consequences for WHRDs challenging heteronormativity?

WHRDs working on sexual and reproductive rights issues face a number of specific violations stemming from heteronormativity. Many of the other violations against WHRDs previously raised in this report, such as retaliation attacks against family, invasion of homes and workplaces and violations of freedom of assembly are similarly experienced by defenders of sexual and reproductive rights. Furthermore, WHRDs working on a number of other issues also face risks, violations and constraints rooted in heteronormative precepts even when they are not specifically involved in working on sexual rights, sexuality or reproductive rights issues.

Defenders of LGBTI rights, particularly those who are from sexual minorities themselves, tend to face severe threats of sexualized or gendered violence because of their work and their identities, both of which challenge normative views of sexuality and gender.⁹⁴ Both men and women activists working on sexuality related issues face discrimination, stigmatization and are extremely vulnerable to attacks when working in homophobic environments because of the sensitivity of the issues they raise as well as their own visibility as activists.⁹⁵ Threats to and occurrences of targeting of lesbians, bisexuals, transgender and intersex persons for rape, killings, ill treatment, and torture for activism on sexual rights is widespread.⁹⁶

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Both men and women activists working on sexuality related issues face discrimination, stigmatization and are extremely vulnerable to attacks when working in homophobic environments because of the sensitivity of the issues they raise as well as their own visibility as activists.
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⁹² Ibid., p. 26.

⁹³ C. Rothschild, op. cit., p. 15-17.

⁹⁴ CRR, Human Rights Watch & CLADEM, op. cit., p. 7.

⁹⁵ Ibid., p. 6.

⁹⁶ This has sometimes been called “corrective” rape, as a way to indicate that perpetrators justify their violence by appealing to heteronormativity. See also: APWLD, op. cit., p. 12.

Sexuality baiting has been recognized as a key tactic for attacking women's organizing around a number of feminist and human rights issues, particularly issues relating to sexuality. 'Sexuality baiting' and 'lesbian baiting' are understood as 'the practices of strategically using ideas, or prejudices about women's sexuality to intimidate, humiliate, embarrass or stifle the expression of women' and which are specifically used to target women's activism around issues of sexuality as well as to attack WHRDs more generally.⁹⁷ Sexuality baiting is exemplified by the practice of attacking WHRDs by calling them 'promiscuous', 'lesbians', 'dykes' or similar terms with derogatory intent, which serve to manipulate existing prejudices towards non-normative gender roles and sexualities with the ultimate aim of undermining the reputations and credibility of WHRDs and their work.⁹⁸ Sexuality baiting is not limited to name-calling or labelling, but must also be seen in many cases as a pre-cursor to physical attacks and homophobic brutality.⁹⁹ Sexuality baiting, particularly in public settings characterized by highly charged homophobic discourses can increase the risk of WHRDs to physical attacks in addition to otherwise compromising the security of WHRDs, their families or their organizations.¹⁰⁰

The derogative intent and exploitation of prejudice against non-normative gender roles also causes a vicious cycle, as WHRDs are often afraid to report or respond to sexuality baiting because of the fear that naming or repeating accusations validates them and causes damage to their reputations by adding to public perceptions

..... of them as 'deviant'. Therefore, an important related issue is also the need for HRDs, researchers and documenters to more systematically collect information on sexuality baiting cases and strengthen analysis of how sexuality is used to attack WHRDs in order to unmask and de-legitimize the discursive power of sexuality baiting terminologies.¹⁰¹

Stigmas already associated with sexuality-related work have meant that WHRDs must constantly evaluate whether or not they can even mention sexual rights, not only because of the increasingly risky situation that it can physically put them in, but also because it can be seen to 'topple' the rest of their rights agendas, thus leading to self-censorship.

..... Heteronormative discourses also pose wider problems for defenders in human rights movements. Lack of support from mainstream HRDs on sexual rights can leave WHRDs focused on this area isolated, vulnerable and without 'natural allies'. Stigmas already associated with sexuality-related work have meant that WHRDs must constantly evaluate whether or not they can even mention sexual rights, not only because of the increasingly risky situation that it can physically put them in, but also because it can be seen to 'topple' the rest of their rights

⁹⁷ C. Rothschild. op. cit., p. 42.

⁹⁸ Ibid., p. 20-21.

⁹⁹ Ibid., p. 5.

¹⁰⁰ Ibid., p. 6.

¹⁰¹ Ibid., p. 23.

agendas, thus leading to self-censorship.¹⁰² Anticipating reprisals for advancing sexual rights means that these issues are side-lined or de-prioritized in international and local contexts where they are perceived as ‘liabilities’ to organizations and movements, as well as additional causes for operational constraints, such as restrictions to funding or obtaining legal status.¹⁰³ For example, fear of withholding of funds by donors, control of organizations’ bank accounts, denial of legal registration, or government-sponsored audits of financial records frequently serves to dissuade or intimidate WHRDs from openly advocating sexual rights issues.¹⁰⁴

A final key issue is the institutional articulation of heteronormative assumptions such as through the legal criminalization of homosexuality or abortion, which can increase the vulnerability of WHRDs working on these issues because they are placed in opposition to the law. WHRDs can therefore be labeled as ‘criminals’ because the rights that they advocate for are illegal within their national contexts, despite international recognition of sexual rights. This again contributes to an environment where attacks against WHRDs may be viewed as justified, in addition to jeopardizing the possibility of credible investigations into attacks.

Case studies

The case studies cover the following topics:

1. Threats to WHRDs working on sexuality
2. Restrictive use of legal/administrative procedures against WHRDs
3. Threats to WHRDs working on reproductive rights

1) Threats to defenders working on sexuality

The three cases below illustrate different contexts in which WHRDs have been targeted for their work on sexuality related issues.

LGBT activists in Uganda live and work in an extremely homophobic environment. The media coverage described is not only a forceful articulation of pervasive homophobia, but also how the media incites attacks against WHRDs.

¹⁰² Ibid., p. 17.

¹⁰³ Ibid., p. 18-19.

¹⁰⁴ Ibid., p. 10-11.

CASE 1.21

Threats to WHRDs Working on Sexuality: Case of LGBTI Activists (Uganda)

Amnesty International

Lesbian, gay, bisexual and transgender (LGBT) individuals in Uganda have faced numerous instances of discrimination, arbitrary arrests, detention, torture, and other ill treatment because of their sexual orientation and gender identity. Certain media outlets in Uganda such as tabloid newspapers have fuelled homophobia by publicly attacking persons perceived to be lesbian, gay, bisexual or transgender. Tabloid newspapers such as *The Red Pepper* and more recently *The Rolling Stone* have publicized the names, pictures and other details of people they identify as LGBT, and the reports have often directly led to targeting and threatening these individuals by non-state actors, including individuals.

In August 2006, *The Red Pepper* published a list of first names, workplaces, and other identifying information of 45 men it alleged to be homosexual, as well as a list of names of 13 women who it claimed were lesbians. In April 2009, the newspaper published what it referred to as a 'killer dossier' exposing names, identifying features, places of employment, residences and other personal information of alleged homosexual men. Later that year, the newspaper published a full-page spread claiming to 'expose' tycoons who allegedly finance Uganda's LGBT community by revealing the names, residences, and other clues of where people could be found. As a result of these publications, those individuals named in *The Red Pepper* as homosexual suffered harassment, and were ostracized by work colleagues, neighbors and family members.

The Rolling Stone, another Ugandan tabloid newspaper, published its first paper on 2 October 2010 with the headline "100 Pictures of Ugandans Top Homos Leak" and included the words "Hang Them" followed by taglines that alleged that homosexual individuals were "recruiting" 100,000 children in schools. The newspaper contained the names, and in some cases, pictures and descriptions of where specific activists and WHRDs working on LGBT rights lived. In the paper's second issue on 31 October 2010, photos and detailed information on 17 more alleged LGBT persons were published. Individuals targeted in *The Rolling Stone* were harassed verbally, and some were physically attacked and had neighbors pelt their homes with stones.

Following the 2 October edition of *The Rolling Stone*, the Civil Society Coalition on Human Rights and Constitutional Law in Uganda (a coalition of human rights organizations in Uganda formed in response to the Anti-Homosexuality Bill) published a statement that spoke out strongly against the content of the

newspaper. The LGBT rights coalition filed a complaint at the Ugandan High Court against *The Rolling Stone* after their first issue and in advance of the second issue, but an interim order was issued only one day after the publication of the 31 October publication. The High Court issued a temporary injunction order that restrained editors of the newspaper from publishing any further information about anyone alleged to be gay, lesbian, bisexual or transgender. While the Civil Society Coalition welcomed the temporary injunction as a positive step towards protecting individuals from potential harassment and discrimination, it expressed outrage at the silence of the government following the newspaper's initial publication.

On 3 January 2011, the High Court issued its final decision on the case and ruled that the case was 'not about homosexuality per se, but... it [was] about fundamental rights and freedoms, in particular about whether "the publication infringed" on the rights of the applicants or threatened to do so.' The court ruled that LGBT persons are entitled to the right to privacy like any other citizen and "the exposure of the identities of the persons and homes of the applicants for the purposes of gayism and the activities of the gays...threaten the rights of the applicants to privacy of the person and their homes". The High Court also stated that the entire spectrum of *The Rolling Stone* activities, threatened to violate the applicants' right to respect for human dignity. It issued a permanent injunction preventing *The Rolling Stone* from further publishing the identities and addresses of the applicants and LGBT persons in general. The permanent injunction was extended to all media in Uganda. The Ugandan authorities made no comment after the newspapers editions were published, nor did they comment after the High Court announced its decision.

Tags: Heteronormativity; defenders of sexual rights; LGBTI defenders; Uganda.

The following case below draws attention to discrimination against and vulnerability of transgender persons, sex-workers and those who work with these communities. The *Organización de Apoyo a una Sexualidad Integral frente al SIDA* (Organization to Support an Integrated Sexuality to Confront AIDS, or OASIS) in Guatemala provides support for sexually diverse communities and HIV/AIDS education. The extreme hostility with which transgender persons and sex-workers are viewed in Guatemala is exemplified by the assassination of sex-worker Paulina and the constant harassment and intimidation faced by OASIS Director Jorge Lopez. Additionally, the view that Lopez is a 'criminal' and a 'murderer' as voiced by his landlord, shows the way in which public discrediting of activists can infiltrate their private relationships and have an impact on aspects of their personal lives unrelated to their activism.

CASE 1.22

Threats to WHRDs Working on Sexuality: Case of OASIS (Guatemala)

Peace Brigades International

The *Organización de Apoyo a una Sexualidad Integral frente al SIDA* (Organization to Support an Integrated Sexuality to Confront AIDS, or OASIS) works in HIV/AIDS education and prevention and the promotion and protection of the rights of gay, lesbian, bisexual, transgender and other sexually diverse communities. The Director, Jorge López, has been subjected to threats, attacks and spurious criminal charges for his work.

PBI has accompanied OASIS since January 2006, following the extrajudicial execution of Paulina, a transgender sex worker who also worked for OASIS. Zulma Robles witnessed the crime, and was gravely injured, has identified that it was *Policía Nacional Civil* (National Civil Police, or PNC) agents that committed the crime. OASIS reported the case to the Inter-American system for the protection of human rights, which granted protective measures for Zulma and OASIS. There have been no significant advances of the case in the Guatemalan Courts to date.

In September 2008, Jorge López submitted a complaint to a local police station on behalf of a group of sex workers, who had reported being illegally detained, photographed, and subjected to threats, intimidation, and humiliating treatment. In October 2008, Jorge López then submitted this complaint against members of the PNC to the Public Prosecutor's Office.

In November 2008, an arrest warrant was issued against Jorge López for his supposed participation in the attempted murder of a sex worker called Laila (Axel Leonel Donis González). For eight months in 2009, he was under house arrest and was required to register with the courts every 30 days. In September 2009, the judge found the charges to be without basis and dismissed the case: 'The case made and presented to the court is not a serious basis on which to subject the accused to a public oral hearing, and the court warns that there is no possibility of including new items of evidence to make the continuation of the criminal prosecution viable.' All charges against Jorge López were dropped.

Although this was a positive outcome, the process had negative impacts on Jorge's health, freedom of movement and personal life as well as his ability to work. Jorge explains that OASIS lost almost one year of work because of the time consuming and psychologically burdening criminal case. He was thrown out of the apartment he was renting because his landlord told him 'he did not want criminals in his house', and had to face articles in the national newspaper that presented him as a murderer.

Tags: Heteronormativity; defenders of sexual rights; sex workers; Guatemala.

The third case of Poulina Kimani, an LGBTI activist from Kenya, illustrates how activism on, or even speaking publicly on sexuality related issues could place one at increased risk. Her appearance on a television show advocating for rights of homosexual persons in Kenya led to threats and intimidation from people within her community. The risk of so-called 'corrective' retaliation, as voiced by her would-be assailants, is an imminent and real threat in an environment not only strongly homophobic, but where homosexuality is criminalized by law.

CASE 1.23

Threats to WHRDs Working on Sexuality: Case of Poulina Kimani (Kenya)

Front Line Defenders

Poulina Kimani is a member of the Gay and Lesbian Coalition of Kenya (GALCK) and works in defense of the rights of women and LGBTI community in the country. Her being constantly subjected to insults and attacks from her own friends and community, simply because she identifies herself as queer, exposes the dangers faced by those who do not identify as heterosexual in Kenya.

On the 23 August 2008, Poulina Kimani appeared on a television programme dealing with the issue of homosexuality in Kenya, which was aired on a television channel called Citizen TV. Since then, the attitude towards her in her own community changed, with some neighbors making rude comments and stating they didn't feel safe any more with people like her around. Two days after the show was aired, as Poulina was heading to work, two men approached her claiming they knew her from the show aired on television. When she refused to talk to them, two more of their friends approached and started narrating lines from the show and how she supported the rights of gay people: 'All this time they were coming closer to where I was waiting for the bus and I was alarmed. Trying to avoid to talk, I moved further but one of them grabbed me by the hand while asking me why do I want homosexuals to have any rights in Kenya?' Poulina made a lucky escape when the bus arrived, and she quickly rushed in.

A few days later, on 1 September 2008, on her way home from the office, Poulina was approached by a group of men trying to block her way in her neighborhood. Poulina recalled how 'one of the men shouted to his friends in Swahili "there is the lesbian woman"'. Poulina tried to ignore them as she walked on hurriedly but 'after about 100 meters walk or so, I realized that the men were running after me screaming insulting words and taunting me with threats to teach me how to enjoy penile penetration with real men'. As she realized the risk, she made a quick escape past the guard at the main entrance of her house

gate and into the safety of her home. The next morning Poulina found a brown envelope with her name and address on it containing threats and insults. She had to move houses for her security. Other members of GALCK present at the show have also been attacked due to the work they do in supporting the rights of LGBTI persons.

Although Poulina notified the Kenyan police about the incidents, little progress has been made in prosecuting those responsible. Under the Kenyan Penal Code, homosexuality is punishable with imprisonment of up to 14 years, and the only model accepted by society being the male/female heterosexual relations. Poulina said that the Ministry of Gender hired a consultant who discussed this case with her for a report, but she never heard back from the office.

Over the years, Poulina has continued to face threats, including death threats delivered over the phone, allegedly from members of the community. She has been beaten up in public and harassed for reporting violence against LGBTI people and sex workers. Most of these incidents were highly publicized and the police were informed, but there has been no response. 'This is not just unique to me, but to all other women advocating for sexual freedom and reproductive health and rights,' Poulina said.

Tags: Heteronormativity; defenders of sexual rights; Kenya.

2) Restrictive use of legal/administrative procedures

Both the cases below illustrate the strategy of authorities to threaten the institutional standing of LGBTI organizations through administrative or legal procedures, as a means to undermine their status as legitimate organizations and keep them outside the purview of the law where they are more vulnerable.

Article 5 of the UN Declaration on Human Rights Defenders explicitly recognizes the right of any group or individual to form, join, and participate in NGOs. Freedom to do so is often restricted, particularly for organizations working in environments where LGBTI rights are not fully accepted or even met with animosity. A popular way to hinder the work of such organizations is impeding their freedom of association by denying them the right to register.

CASE 1.24

Restrictive Use of Legal/Administrative Procedures: Case of LGBT Centre (Mongolia)

Forum Asia

The Lesbian Gay Bisexual and Transgender Centre (LGBT Centre) in Ulaanbaatar is Mongolia's first and only LGBT human rights organization. The Centre aims to build a better and safer society for Mongolia's lesbian, gay, bisexual and transgender community. Its mission is to 'uphold, protect, and promote the human rights of sexual minorities, namely lesbians, gay men, bisexuals, and transgendered persons' and 'to promote the correct understanding of sexual orientation and gender identity within Mongolian society.' Under constant threat of violence by ultra-nationalist, right-wing movements, the leaders, staff and volunteers at the LGBT Centre continue to provide legal, advocacy, and social support services for LGBT Mongolians and their families.

In February 2007, the founding members of the organization registered its name with the State Registration Authority in Mongolia as the 'Lesbian Gay Bisexual and Transgender Centre' (LGBT Centre). Following this, they proceeded to apply for official registration as a non-governmental organization (NGO). At the time, they were informed by the Ministry of Justice and Home Affairs of Mongolia that the name of the organization was problematic since it was not in the Mongolian language. Despite the fact that several legally registered NGOs in Mongolia have foreign words in their name, and despite the fact that the Programme Manager of the International Gay and Lesbian Human Rights Commission (IGLHRC) wrote to the Ministry of Justice and Home Affairs of Mongolia confirming that the terms 'lesbian, gay, bisexual and transgender' and 'LGBT' are officially recognized at the international level, the LGBT Centre was not permitted to register at the time. In 2009, the LGBT Centre made at least 10 attempts to register with the Legal Entities Registration Authority (LERA).

On 24 April 2009, Mr. Ts Otgonbaatar and Ms. Robyn Garner, founding members of the LGBT Centre, reapplied for the legal registration of their organization. They were informed that their organization could not be registered since one of the founding members were not of Mongolian nationality. In order to solve this problem, they revised their registration application and stated that Mr. Otgonbaatar, who is of Mongolian nationality, is the sole founder of the LGBT Centre. Between April and May 2009, the Mr. Ts Otgonbaatar and Ms. Robyn Garner made at least 10 visits to the LERA. Each time they were told to make changes to the paperwork, resulting in ridiculous and often contradictory objections. One week, they were told to change their wording, only to return the following week to be told that they had to change it back.

On 27 April 2009, Mr. Ts Otgonbaatar returned to the offices of the LERA, where he was informed that he could collect the NGO registration certificate within two days. However, that evening, he received a telephone call, also from the LERA telling him that there were problems with the application and asking whether the term LGBT could be considered an accepted term in Mongolia and under international law. Despite the fact that Mr. Ts Otgonbaatar subsequently provided the LERA with copies of international human rights documents in which the term 'LGBT' is used, the registration application was still denied.

On 11 June 2009, Ms. Khulan Davaa, the LGBT Centre's lawyer, who was working to facilitate the registration of the Centre, was informed by LERA that the LGBT Centre's application for legal registration had been denied. The LERA allegedly stated that the organization could not be registered for the alleged reasons that the full name 'Lesbian Gay Bisexual Transgender Centre' is too long, and that the name is not well understood in Mongolia. It would also not be sufficiently clear to the public what activities the NGO is engaged in, and had the potential to set the wrong example for youth.

On 17 June 2009, in response to requests from Mongolian LGBT activists, IGLHRC sent a letter to the country's Minister of Justice and Home Affairs, State Secretary of Justice and Home Affairs, Director of Policy Implementation Coordination Department, and Chief Commissioner of the National Human Rights Commission explaining Mongolia's human rights obligations under international law to register LGBT human rights NGOs and asking that the LGBT Centre be allowed to register under that name, with the hope that this situation will be investigated and that an appeal will reverse LERA's previous decision.

After three years of resistance from state authorities, the LGBT Centre was eventually registered on 16 December 2009, after interventions from the Office of the President and the National Human Rights Commission of Mongolia.

In 2011, the LGBT Centre won the prestigious Felipa Souza Award given out each year by the IGLHRC to an organization or individual whose work has made a significant contribution toward securing the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. The award is regarded to be recognition for the hard work of the NGO staff who, under often difficult and dangerous circumstances, are endeavoring to put an end to discrimination against LGBT people in Mongolia. In the face of threats and even physical assault, the LGBT Centre's staff and supporters worked tirelessly to make their country safer for a marginalized community whose members face pervasive discrimination, harassment, abuse and violence.

In Mongolia, discrimination and human rights abuses against sexual minorities are widespread according to the stakeholder's report for the Mongolian Universal Periodic Review in November 2010. According to civil society organizations, discrimination and human rights abuses against LGBT persons are common in the public and private sectors, including health-care services, education, housing sector and the media. The report talks of harassment, bullying, intimidation and ostracism of LGBT persons in the workplace. Sexual violence against lesbian and bisexual women in particular and against transgender persons is prevalent, and that domestic violence, including physical and psychological violence is the most common form of violence that LGBT persons faced. In raising these issues, the LGBT Centre gives voice to and defends the rights of LGBT persons in Mongolia. Taking up these issues places the LGBT Centre in a precarious situation.

Tags: Heteronormativity; restrictive use of administrative/legal procedures; freedom of association; LGBTI defenders; Mongolia.

The denunciation of Philippines-based LGBT organization, *Ang Ladlad* (meaning 'the coming out', or literally 'the unfurled'), as 'immoral', a 'threat' to young Filipinos and against religious principles is used to argue that they are unfit for accreditation as a legitimate political party by the Commission on Elections (Comelec). The judgment of the Supreme Court rejecting the opinion of the Comelec—by showing that the denial of registration has no legal basis, is rooted in discrimination and is against the public interest—also shows how judicial responses to homophobia can set positive precedents.

CASE 1.25

Restrictive Use of Administrative Procedures: Case of Ang Ladlad (The Philippines)

Forum Asia

The Ang Ladlad LGBT Party, Inc. was registered as a national organization of lesbians, gays, bisexuals, and transgendered people advocating for LGBT rights in the Philippines with the Philippine Securities and Exchange Commission (SEC) on 1 September 2003. The group has transformed into the political party Ang Ladlad advocating for equal rights among all Filipinos, while aiming to consolidate and empower the LGBT community.

In the run-up to the presidential election in 2007, Ang Ladlad's petition for party-list accreditation was denied by the Commission on Elections (Comelec). The Commission stated that Ang Ladlad had failed to show that its membership was national in

scope. This rejection left Ang Ladlad unable to participate in the upcoming national elections, and give voice to the Filipino LGBT community.

On 11 November 2009, the Comelec again dismissed the application of Ang Ladlad to register as a political party representing a marginalized sector under the party-list system for the 2010 general elections. Citing passages from the *Bible* and the *Koran*, the Comelec declared that despite having complied with all legal requirements, Ang Ladlad 'tolerates immorality which offends religious beliefs'. The Commission furthermore argued that the principles of Ang Ladlad were a threat to young Filipinos: 'Should this commission grant the petition, we will be exposing our youth to an environment that does not conform to the teachings of our faith.' Finally, the Comelec labeled Ang Ladlad as a nuisance candidate, stating that the party's petition falls within the definition of a 'nuisance' under Article 695 of the Civil Code as 'any act ... that... disregards decency', and Article 1306 which provides that 'contracts whose cause object or purpose is contrary to law, morals, good customs, public order or public policy are in-existent and void from the beginning.' Comelec's labeling of Ang Ladlad as immoral on these grounds, violates the fundamental principles of non-discrimination and equality in human rights.

Ang Ladlad decided to challenge Comelec's decision by filing a petition with the Supreme Court. The Commission on Human Rights of the Philippines (CHRP) intervened on behalf of Ang Ladlad before the Supreme Court, with the then-chairperson, Ms. Leila de Lima speaking out strongly against the Comelec's ruling. On 8 April 2010, the Philippine Supreme Court overturned the Comelec's decision based on the ground that there is no law in the Philippines criminalizing homosexuality, and that Ang Ladlad had complied with all legal requirements. It approved the petition of Ang Ladlad to represent LGBTs as a party-list group in the May 2010 elections. The Supreme Court also stated that the Comelec's 'denial of Ang Ladlad's registration on purely moral grounds amounts more to a statement of dislike and disapproval of homosexuals, rather than a tool to further any substantial public interest.'

Ang Ladlad, which has now officially changed its name to 'Ladlad', is running for party-list elections for Congress in the May 2013 elections. Their success story is of significant importance to many other parts of the world, where traditional and religious values are invoked and LGBT persons often suffer the negative impacts of these harmful practices.

Tags: Heteronormativity; restrictive use of legal/administrative procedures; freedom of association; LGBTI defenders; Philippines.

3) Threats to WHRDs working on reproductive rights

The case of activist Mao Hengfeng, illustrates the precarious situation of WHRDs in China. As a reproductive rights activist, Mao Hengfeng's case must be seen against the backdrop of the enforcement of China's severe population control policies and the generally repressive environment for any critique of the Chinese government. Advocating for reproductive rights of women in an environment where the State tightly controls family life means that Mao is not just challenging general perceptions of women's autonomy over their bodies, but taking on the powerful State apparatus. Her psychiatric incarceration, and imprisonment and torture under the 're-education through labor' policy point to the institutionalized punishments inflicted on women defenders and activists in China who challenge State policy. The repercussions she faces because of her work reflect the extreme hostility with which dissent of any kind is treated in the Chinese context.

CASE 1.26

Reproductive Rights: Case of Mao Hengfeng (China)

Amnesty International

Since 2004, Mao Hengfeng has repeatedly been detained for defending women's reproductive rights and victims of forced evictions, as well as for supporting the work of other HRDs. In 1988, Mao Hengfeng became pregnant with her third child, and was ordered by officials at the state-run soap factory where she worked to have an abortion in order to comply with China's family-planning policy. When she refused, she was forcibly taken to a psychiatric hospital, and injected with a number of drugs. She was released after one week, and eventually gave birth despite the forcible injection of drugs. However, this did cause the baby to be born with numerous health problems. Mao Hengfeng was dismissed from her job because of her absence during the time she spent at the psychiatric hospital. She petitioned authorities for redress for denial of her basic human rights.

In April 2004, Mao Hengfeng was assigned to 18 months of Re-education through Labor (RTL), during which she was repeatedly tortured and kept in solitary confinement. Upon her release in September 2005 she was warned there would be serious consequences if she continued petitioning the authorities. In 2006, she was taken into custody on numerous occasions for petitioning authorities, and for her outspoken support for victims of forced eviction and arbitrary detention. While in custody, Mao Hengfeng was severely beaten, sexually assaulted, and at times was denied the use of toilet or washing facilities. Between 2006 and 2009, Mao Hengfeng was arrested and detained several times for her work as a WHRD.

On 4 March 2009, Mao Hengfeng was sentenced to a further 18 months of RTL for 'disturbing public order' for having shouted inciting slogans in front of the Beijing municipal intermediate court on 25 December 2009, having ignored police warnings, and attracting the attention of the surrounding public. On trial that day was fellow HRD Liu Xiaobo, who was awarded the 2010 Nobel Peace Prize. During her time in RTL, Mao Hengfeng protested against the human rights abuses committed against her. In response, guards tied up Mao Hengfeng's hands and legs, and forced dirty plastics and clothes into her mouth for days at a time. RTL officers also instructed other inmates to beat Mao Hengfeng, and she was beaten by approximately 10 persons each time this was ordered.

Mao Hengfeng was surprisingly released from RTL on medical parole on 22 February 2011 but two days later she was sent back to RTL for allegedly violating the terms of her medical parole. When her family contacted the authorities at the RTL facility they found out that Mao Hengfeng was not in fact being held there. In June 2011, Mao Hengfeng's family found out that she had been held at the Shanghai City Prisons Hospital since her arrest on 24 February 2011. She was previously held in this hospital in 2008, and during her time there she had been tied to a bed, force fed, and given several injections against her will. Mao Hengfeng was sent home from Shanghai City Prison Hospital on 28 July 2011 without any advance notice to her family although she was due to be released on 24 August. The reason for her release was due to 'serious high blood pressure and should get treatment in a public hospital'. Mao Hengfeng was sent home in a wheelchair, and she was unconscious and in very poor health when her family saw her outside their house.

Many WHRDs in China started as petitioners and grassroots activists advocating for their communities, but very few label themselves as WHRDs and are rarely regarded as such by authorities. However, WHRDs in China face marginalization, prejudice, and violence and must challenge gender stereotypes that underestimate the ability of women to serve as active defenders of human rights. Through her work as a WHRD, Mao Hengfeng has defied socio-cultural norms by seeking justice for abuses committed against women in China. Her activism on women's sexual and reproductive rights challenges the status quo. State authorities in China have tried to induce fear in Mao Hengfeng through repeated arrests, arbitrary detention, and imprisonment. Attacks against her work and time spent in isolation from her family and community have been unsuccessfully used as a means to silence her and break her spirit. Mao Hengfeng's has also been the target and recipient of gender-specific human rights violations such as sexual harassment and sexual abuse during her time in administrative detention.

Tags: Heteronormativity; undemocratic environments; defenders of reproductive rights; gender-based violations; China.

Examining violations from a WHRD perspective

As examined in the previous chapter, WHRDs face the same risks and violations as other HRDs but they may suffer consequences which are specific to their gender.¹⁰⁵ WHRDs are at risk of gender-based forms of violence, such as sexual violence, sexuality baiting, or rape. Due to structural forms of discrimination against women, WHRDs may also be subject to various 'social, legal, and customary restrictions' that limit their ability to work as HRDs. Furthermore, WHRDs defending reproductive, sexual, or other gender-related rights may also be more vulnerable to certain types of risks because of the work that they do and the issues that they raise that challenge established norms of gender identity, gender roles, or sexuality.

This section focuses on the violations that are specific to WHRDs. The first part of this chapter therefore examines violations against WHRDs from the perspective of two different categorizations:

1. Gender-based violence against WHRDs
2. Violations against WHRDs that have gendered consequences

The second part of this chapter highlights the importance of *intersectional analysis* of violations against WHRDs.

1) Gender-based violence against WHRDs

Gender-based violence is the infliction of violence on a person because of his or her real or perceived gender identity, and includes violent acts that may take a gender-specific form. Gender-based violence, by intent or by effect, reinforces patriarchal and/or heteronormative relations and power structures.¹⁰⁶

In the case of women, gender-based violence has been understood as 'violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'.¹⁰⁷ Gender-based violence against women

¹⁰⁵ WHRD International Coalition, op. cit., p. 51-52.

¹⁰⁶ See: United Nations Population Fund, *Gender Equality: Ending Widespread Violence Against Women*. Available at: <http://unfpa.org/gender/violence.htm>.

¹⁰⁷ Article 1, *UN Declaration on the Elimination of Violence against Women* (DEWW), proclaimed by the UN General Assembly in its resolution (A/RES/48/104) of 20 December 1993.

.....
Gender-based violence against women can also take sexual forms, such as in the case of sexual assault, rape, sexual-baiting or female genital mutilation. Acts of omission such as neglect or deprivation and structural discrimination on the basis of gender can be gender-based violence.
.....

can also take sexual forms, such as in the case of sexual assault, rape, sexual-baiting or female genital mutilation. Acts of omission such as neglect or deprivation and structural discrimination on the basis of gender can be gender-based violence. Importantly, gender-based violence is not restricted to women, but can apply to anyone who faces violations because of their gender identity or due to their work on gender rights. Violence against gay or bisexual men, or trans-gender or inter-sex persons because of their gender identities also constitutes gender-based violence. WHRDs may also be subject to other gender-based violations such as gendered restrictions on freedom of movement, or discriminatory legal provisions and practices, such as by religious laws.

a. Sexual and gender specific violence

The case of Justine Bihamba, a WHRD documenting violence against women in the DRC, illustrates how WHRDs and their families are vulnerable to gender-based forms of violence such as sexual assault and rape in retaliation for their human rights work.

CASE 2.1

Sexual Assault and Rape: Case of Justine Bihamba (DRC)

Front Line Defenders

Justine Masika Bihamba works in Northern Kivu, in east Democratic Republic of Congo (DRC) documenting sexual violence against women as well as evidence of war crimes. She is the coordinator of *Synergie des Femmes pour les Victimes des Violences Sexuelles* (SFVS). Workers at the organization have regularly been threatened and attacked because of their documentation of sexual violence in DRC and Justine continues to receive regular death threats.

In the evening of 18 September 2007, six armed men in army uniforms broke into Justine's home. All of Justine's six children were at home at that time, and the men proceeded to tie up members of her family at gunpoint. They tied up her two daughters with a power extension cord, and took them to another room to question them about the whereabouts of their mother. One of the soldiers assaulted her eldest daughter, then sexually assaulted and attempted to rape another daughter. The men then broke down the door leading to Justine's bedroom and proceeded to search through all her documents. When Justine and her driver arrived at the gate of her home, one of the armed men opened

the gate but when Justine saw the man she asked the driver to drive away while she telephoned the military police asking for urgent assistance. The military police arrived at the scene in 15 minutes, but the armed men escaped. Justine's driver and one of her daughters identified four of the armed men as army guards working for Colonel Mosala employed by *Forces Armées de la République Démocratique du Congo* (FARDC), and who lived near by. Justine and her daughters went with the police and agents from the *Police d'Intervention Rapide* (PIR) to the home of the Colonel, where they identified four of the Colonel's guards as being the same men who had broken into their home and attacked her family. While in the home of the Colonel, one of the army guards said to Justine in front of the military police and agents of the PIR: 'Do you think it would be a problem to kill you? It is not, we have already killed two people today.'

As of January 2012, none of these men have been arrested. After the attack, Justine and her children have been threatened repeatedly by the men, whom they regularly see in the streets around their home. Justine's five year-old son now fears he will be killed whenever he sees a soldier. Justine has made a formal complaint to the *Chef d'état-major* of the Congolese Armed Forces in Goma. In a public statement in 2008, Justine declared that, 'All we want is an end to this impunity'.

On 11 December 2008, Justine became the first winner of the Dutch Human Rights Defender Tulip Award presented to individuals who have shown exceptional courage in protecting and promoting the rights of fellow human beings. In an interview with the Institute of Social Studies of Erasmus University in Rotterdam, Justine emphasized the necessity to protect WHRDs, like her, in their efforts to promote justice for women:

Women human rights defenders need special protection. Even compared with male human rights defenders, who are themselves vulnerable to attack, women are more so. Women are considered inferior and when they are attacked, they find little or no support from their male colleagues, even HRDs themselves.... We draw power and energy from contacts with international organizations. These contacts help put pressure on the authorities—even when these authorities pretend not to listen to what the international community says. It is absolutely vital to us, especially to WHRDs that we have these contacts on the outside who can help in case we are threatened. How else would we ever be able to escape the threats we get?

Tags: Gender-based violence; sexual assault and rape; impunity; attacks against family; DRC.

The forced hysterectomy of Mutabar Tadjibaeva in Uzbekistan is another example of the ways in which WHRDs can be targeted in gender-specific ways for their human rights work. While this is only a single aspect of the numerous violations that she has experienced in retaliation for her human rights work—including physical injury, torture, attacks against her home and family members, detention and legal harassment, among others—the unwarranted and unexplained forced medical procedure forcefully depicts her absolute physical vulnerability in the hands of the State.

CASE 2.2

Sexual Violence: Case of Mutabar Tadjibaeva (Uzbekistan)

Front Line Defenders

Mutabar Tadjibaeva is the director of the human rights organization, *Plammenoe Serdtse* ('Fiery Hearts Club'), which was founded in 2000 in the town of Margilan, in the Ferghana Valley region of the Republic of Uzbekistan. Mutabar has monitored human rights violations in the Ferghana Valley, in particular violations of women's rights for the Britain-based Institute for War and Peace Reporting (IWPR), an international non-governmental organization that trains journalists in human rights reporting.

As a HRD, Mutabar was subjected to persecution for her human rights activities. She was detained several times, subjected to unlawful trial, and her house was set on fire. This same house was also burgled twice, in the course of which documents were stolen. She was also attacked by members of her community, with stones and chunks of brick thrown at her, following which she was hospitalized in serious condition. An orchestrated car accident caused her to be hospitalized in serious condition.

Ten days after she sent a telegram to the President of Uzbekistan describing the massacre of protesters in Andijan, she was kidnapped and raped. The perpetrators threatened her so that she would not tell anyone about what happened to her, saying that if she talked or wrote a complaint, the same thing might happen to her only daughter.

On 8 October 2005, Mutabar was due to attend the 3rd Dublin Platform for Human Rights Defenders, in Ireland. But on the day before she was scheduled to fly to Tashkent to get a connecting flight to Ireland, Mutabar was detained and subsequently sentenced to eight years imprisonment. She was found guilty under 13 articles under the Uzbek criminal code, in particular article 244-1 paragraph 3: manufacturing or circulation of materials which represent a threat to public safety and public order;

and article 216: illegally organizing public groups or religious organizations. According to the state authorities, her organization Fiery Hearts Club was illegal, as were the majority of non-governmental organizations in Uzbekistan since they were not allowed to legally register with the Uzbek authorities.

When Mutabar was arrested, the pressure on her family, lawyers, and activists from her organization increased. During the investigation and court proceedings, she was denied her right to legal counsel. Neither her nor her lawyers had the opportunity to familiarize themselves with the case materials, which consisted of 16 volumes—5,000 pages—on the charges the prosecution had presented against her. The court prevented international trial observers and local HRDs from observing the trial. The court did not allow any witnesses for the defense to testify, nor were the lawyers for the defense allowed to cross-examine the state witnesses that testified against Mutabar.

Mutabar was placed in the psychiatric unit of the women's penal colony institution UYa 64/7 in the Mirobod district of Tashkent. Her family was prohibited from visiting her. For more than a year, she was not allowed to receive food, warm clothes, and other necessities from her family and relatives.

Prison authorities constantly demanded that she sign a pardon and admit that she was guilty of the crimes she was charged with. In the letters that they demanded her to sign, it was written that her organization was an extremist group funded by the West. Every time Mutabar refused to sign the pardon, she was tortured and put in solitary confinement. She spent 112 days out of the year in solitary confinement as an additional punishment. She was subjected to regular beatings and humiliation by prison staff. A rope was hung from the ceiling of her cell by the prison staff, presumably suggesting that she could end her life by suicide.

While in prison, Mutabar underwent a hysterectomy. She was operated on without explaining to her what had happened to her and why it was necessary. She never received her medical case report that details the diagnosis and treatment procedures carried out on her. She made legal requests to obtain her medical documents, but received a verbal response from the authorities that these documents are confidential so that the medical staff of the Tashkent Oncology Centre could not give them to her.

On 2 June 2008, due to international pressure, the Uzbek authorities released Mutabar from prison, but she refused to leave her hometown to seek medical treatment for her deteriorating health from the Tashkent Oncology Centre. On 30 September, she was granted permission to travel, which she received only after signing a declaration stating that she will return to her country. When she returned home after being awarded the Martin Ennals Award and the Human Rights Prize of the French

Republic “Liberty, Equality, Fraternity” at the end of 2008, she faced renewed persecution in Uzbekistan. The Uzbek press began to write untruthful and biased articles about her, accusing her of organizing the events in Andijan on 13 May 2005, during which police opened fire on peaceful protesters without warning, killing hundreds of people.

Mutabar’s health has been gravely damaged and she requires constant medical supervision.

Tags: Gender-based violence; sexual assault and rape; threats/attacks against family; Uzbekistan.

b. Sexuality baiting

Sexuality baiting, as discussed in the section on heteronormativity, is the strategic manipulation of common biases regarding sexuality and gender, for the purpose of discrediting or otherwise undermining WHRDs. In the case below, Cambodian activist and parliamentarian Mu Sochua is publicly insulted by the Prime Minister, whose comments are meant to discredit her activism by making her appear ‘sexually promiscuous’ or ‘immoral’.

CASE 2.3

Sexuality Baiting: Case of Mu Sochua (Cambodia)

Forum Asia

Ms. Mu Sochua is an outspoken WHRD and an elected national parliament member in Cambodia. She is considered the most prominent woman in Cambodia’s leading political opposition, the Sam Rainsy Party (SRP). She is a former Minister of Women’s Affairs, as well as one of 1,000 women proposed for the 2005 Nobel Peace Prize.

In July 2008, during a protest action against military land grabbing in Kampot Province, in an incident between Ms. Mu Sochua and a Cambodian army officer, her blouse was accidentally torn. On 4 April 2009, Prime Minister Hun Sen attacked Ms. Mu Sochua during a public speech. Although he did not mention her name, it was clear he targeting Ms. Mu Sochua. Hun Sen reportedly used harsh language, describing her as a women gangster or prostitute who had rushed to hug a man and unbuttoned her shirt to attract his attention. According to Ms. Mu Sochua, the Prime Minister also referred to her as ‘*cheung klang*’, which means ‘strong legs’ in Khmer, and is considered an insult.

On 10 June 2009, Ms. Mu Sochua sued Hun Sen for defamation, demanding a symbolic sum of 500 Cambodian riels along with an apology. Instead of apologizing, the Prime Minister promptly countersued. Ms. Mu Sochua's lawsuit was dismissed from court and Hun Sen's application was admitted. Ms Mu Sochua was stripped of her parliamentary immunity, a common practice used against opposition politicians.

On 4 August 2009, the Phnom Penh Municipal Court found her guilty of defamation under Article 63 of the United Nations Transitional Authority in Cambodia (UNTAC) law's Criminal Provisions, and sentenced her to a fine of 8.5 million riel and 8 million riel in compensation to the Prime Minister. Her conviction was upheld by the Appellate Court and the Supreme Court, despite the fact that no evidence proving either damage to reputation or malicious intent was presented during the case.

Internationally, Ms. Mu Sochua's case has been confirmed to be a politically motivated prosecution violating freedom of expression and the right to due process. As in the majority of countries around the world, women in Cambodia have historically been largely absent from the political decision-making process. Today, Cambodia still holds a strong culture of disregard towards women's qualifications, expecting them to subordinate themselves to men. In Cambodia's traditional society, women are not fully politically empowered, and are expected to subordinate themselves to men. In particular, women who serve in remote areas or who are not from the ruling party, face great exposure to physical danger, threats, political discrimination and even possible death. Further, Cambodian women are still regularly victims of discrimination and harassment, both emotional and physical.

Women make up 52 percent of Cambodia's entire population, but represent only 13 percent of the seats in the Senate and 21 percent in the National Assembly. As 'a woman's face' in opposition, Hun Sen's attack on Mu Sochua is a clear-cut example of sexuality baiting, a tactic used to discredit a person and promote political agendas through the strategic use of allegations related to their sexuality. Prime Minister Hun Sen portrayed Mu Sochua as an immoral woman, characterising her simply through the lens of a prejudiced idea of women's gender role and undermining her credibility as a politician.

Tags: Gender-based violence; sexuality baiting; Cambodia.

c. Attacks against family

Attacks against the families of WHRDs are often seen as an effective means by which to discourage WHRDs from continuing their activism. The stereotypical perception of women in primarily care-giving roles as well as the reality that women are often responsible for the care of family members plays an important part in the motivation of perpetrators to target family members. The case below of the killing of Colombian activist Aída Marina Quilcué Vivas's husband, and threats to her child is one such example.

CASE 2.3

Attacks Against Family: Case of Aída Marina Quilcué Vivas (Colombia)

OMCT

Ms. Aída Quilcué is a representative and a former Chief Counselor of the *Consejo Regional Indígena del Cauca* (Regional Indigenous Council of Cauca, or CRIC), a delegate of the *Organización Nacional Indígena de Colombia* (National Indigenous Organization of Colombia, or ONIC), and a spokeswoman of the *Minga de Resistencia Social y Comunitaria* (Social and Communitarian Resistance). Thanks to her courage and devoted fight against human rights violations, Ms. Aída Quilcué was one of the four people nominated for the Martin Ennals Award for Human Rights Defenders in 2010.

Because of her work as a HRD of the Indigenous Peoples, Ms. Aída Quilcué and her family have been victims of threats, attacks, and killing. In December 2008, she suffered an attack seemingly meant for her, resulting in the death of her husband, Mr. Edwin Legarda. He was also a well-known defender of the rights of the Indigenous communities, and was shot dead by some members of the Colombian army while he was driving a vehicle assigned to Ms. Quilcué. This murder occurred while she had just returned from Geneva, where she had participated in a session on Colombia at the Human Rights Council to protest against the violations of the rights of Indigenous Peoples. The homicide also took place shortly after the end of the *Minga Nacional de Resistencia Indígena* (National Group of Indigenous Resistance), an event denouncing violations of the political, territorial and environmental rights of Indigenous Peoples, where Ms. Aída Quilcué played a major role.

On two other occasions in April and May 2009, the 12 year-old daughter of Ms. Aida Quilcué, Alejandra Legarda Quilcué, was threatened by unknown men who shadowed her and pointed guns at her. She managed to escape both times thanks to the help of some Indigenous guards.

In June 2009, an arrest warrant was issued for Ms. Aida Quilcué and Mr. Feliciano Valencia, spokespersons for the Minga de Resistencia Social y Comunitaria, for Mr. Daniel Piñacue, Indigenous Governor, and two members of the local community who were reportedly Indigenous guards, Messrs. José Daniel Ramos Yatacúe and Mario Yalanda Tombé. The five of them were accused of ‘aggravated kidnapping and causing serious personal injuries’ against Mr. Danilo Chaparral Santiago, an Army Captain attached to the 15th Counter-Guerrilla Unit ‘Libertadores’. This member of the army had infiltrated the Minga de Resistencia Social y Comunitaria meeting that took place in the María Indigenous territory in Piendamó, bringing objects with him that could have been used to discredit the group. Mr. Chaparral was arrested by the Indigenous authorities and put on trial according to the customs of the Assembly, in accordance with Indigenous jurisdiction within their territories, as recognized by the Colombian Constitution. The Indigenous leaders for whom an arrest warrant was issued ensured the principles of due process were abided by in the proceedings against Mr. Chaparral to ensure that his rights were respected.

In September 2010, six army soldiers were found guilty of the murder of Aída Quilcué’s husband and the sentence was confirmed in March 2011. Despite this positive step, Aída Quilcué, who has been receiving protection ordered by the Inter-American Commission on Human Rights since her husband was killed, has been subject to constant threats in the last years, that have also been directed against her relatives and the people of her community.

At the end of 2010 and beginning of 2011, death threats via telephone text message and pamphlets were sent to Aída Quilcué and other HRDs by the paramilitary group called the *Águilas Negras* (Black Eagles). These acts were denounced and brought to the office of the *Fiscalía General de la Nación* (National Prosecutor General). To date, Aída Quilcué is still facing judicial proceedings with regard to charges of torture and kidnapping, false denunciation, asset laundering, phone threats, and procedural fraud.

As a prominent Indigenous leader, Aída Quilcué and other defenders of Indigenous communities and defenders of natural resources are the victims of systematic violence in Colombia, because their territories and areas of work are often caught in the middle of the actions of armed groups and their work becomes stigmatized by one or another of these groups.

Tags: Gender-based violence; threats/attacks against family; Colombia.

Similarly, the case of Maria Cristina Gomez, an advocate on behalf of rape victims, shows how families are placed at risk when WHRDs are targeted for their work. The tendency of WHRDs to prioritize the safety and security of their families and loved ones over their own is also an additional reason why attacks or threats against families are often viewed as 'profitable' deterrents against future activism.¹⁰⁸

CASE 2.4

Attacks Against Family: Case of Cristina Gomez (Guatemala)

Front Line Defenders

Asociación de Mujeres de Petén Ixqik is a non-governmental organization dedicated to the protection of women against discrimination and violence, providing support particularly for rape victims, since 2002. *Asociación de Mujeres de Petén Ixqik* began receiving several threats and break-ins in 2005, when they started supporting a rape victim in a high-profile court case.

On 27 October 2005, they led a march in the capital of Petén, Santa Elena, in support of a rape victim, a 50-year-old woman with learning difficulties. After the march, the organization's offices were raided three times in nine days. The burglars took personal details of all the staff of the Association including a camera with footage of the protest. On 7 November 2005, the staff found that the office door was again forced open. They found that nothing had been stolen, but many files had been searched, including those files relating to the Association's work of lobbying on women's issues. At the third break-in, the burglars attempted to open the secure filing cabinet, which contained copies of files of rape cases, but were unsuccessful.

All three raids on their offices took place when the court was due to hear closing arguments in the case of the rape victim they were supporting. In May 2007, several workers reported having received threatening phone calls. On 1 June 2007 at 10.00 am, Olga Urizar, another staff member, reported that a man had been standing in front of her house shouting and threatening her that he had a bomb. In addition, the attack occurred a day before a meeting was to take place between *Asociación de Mujeres de Petén Ixqik* and the District Attorney's Office for Human Rights to discuss the new cases of violations against women's rights and to review developments made on rape cases from 2005.

In the evening of 3 June 2007, two armed men driving a red sedan car came to the shop in El Chal El Petén, in the same building as that of the family home María Cristina Gómez, an active

¹⁰⁸ J. Barry, op. cit., p. 14.

member of Asociación de Mujeres de Petén Ixqik. One of the men came into the family's room, and shot María Cristina Gómez's son in the back. He died on the spot. The other man shot at her daughter wounding her in the arm. Her mother ran to her daughter's side to protect her. María Cristina Gómez received a number of shots, and was killed. Nobody has been found guilty so far.

Tags: Gender-based violence; threats/attacks against family; Guatemala.

2) Violations against WHRDs that have gendered consequences

This section refers to violations that may be experienced by both male and female defenders, but may have different consequences for WHRDs because different social and cultural norms govern the gender identity, sexuality, and gender role of women in different contexts.

a. Risk of sexual violence

Journalist Roya Toloui's arrest resulted in her being sexually assaulted, tortured, and raped by prison officials. While arbitrary arrest or detention does not necessarily have a gendered component, for WHRDs, there is the additional threat of sexual assault or violence once incarcerated.

CASE 2.5

Sexual Assault while in Custody: Case of Roya Toloui (Iran)

Front Line Defenders

Roya Toloui is an Iranian Kurdish journalist and woman human rights defender, currently residing outside of Iran. She was the Editor-in-Chief of *Rasan*, a Kurdish monthly magazine about women's issues. Five issues of the magazine were published in Sanandaj, in spring and summer of 2005. She also founded the Association of the Kurdish Women Supporting Peace and Human Rights in Kurdistan. Due to her work as a journalist and as a WHRD, in the aftermath of demonstrations in Kurdish inhabited areas of western Iran, she was arrested and held in prison for 66 days. While in prison, she was psychologically tortured and sexually assaulted in attempts to make her confess to being the organizer of the protests. She eventually agreed to sign the incriminating documents after her investigators told her they would burn her children alive in front of her own eyes. Following her ordeal, she fled Iran, but she is still writing about de-

mocracy and human rights with a hope that change will come. Roya's testimony:

Six men and a woman broke into my house and started searching everywhere. After they searched my house they arrested me and brought me to the police station. Nine policemen asked me a lot of questions, and one of them told me: "We tolerated you and told you not to write articles against the government and if you stopped, we didn't have to arrest you". I told him that writing articles should not be a reason for my arrest because as journalists we should have the freedom of expression. They accused me that I was the leader of the protests against the government. Eventually, after several hours, the questioning was over. The following day they sent me to court and the judge released me from the State prison, and ordered for me to be transferred to the intelligence prison. I knew that was a place where they killed a lot of people before, under torture. I begged the judge not to send me there; I told him if you want to arrest me let me stay in the police prison, but to no avail. One of the police officers that transferred me told me: 'Lady Doctor, I'm going to tell you something, please take the intelligence prison officials seriously; they are not kind like last night. It will be hard for you.'

And he was right.

When I arrived at the intelligence prison they transferred me into solitary confinement. It was a sixteen square meters room, with white walls, everything white. There was a small double glazed window in the roof. I started marking on the wall the days to know how long I was going to be there. It was seventeen days. The first six days angry men slapped me while they were interrogating me and it hurt a lot. They wanted me to confess that I was the leader of the protesters and that I spread the advertisements, but it wasn't true. At first I tried not to answer and it made them really mad. They asked me a lot of questions, day and night, making me worry. During the sixth day, the interrogator got mad and he and another man went out and then another man, whom I recognized as working for the justice system, came in and he told me: "I'm going to execute you, be sure that I'm going to kill you. You are a leader against the government and against Islam." And I shouted at him, "you may kill me but I know I didn't do anything wrong." Since he had a lot of power, he took it that I was making fun of him or humiliating him, and he raped me.

The following night, one of the investigators and another man asked me to sign whatever they wanted me to and I said no. The other man said: "You're not a wise woman, if I burn your children in front of you like the pictures from your magazine then you will admit everything."When I

heard that I broke down. I was desperate. I knew they were crazy and they will do anything. I kissed his shoes, and said I would sign anything, just don't burn my children.

They made me sign a paper that nothing happened to me, that I was fine. They made me memorize and read everything that they prepared for me and I had to repeat it all in front of a video camera. The main condition for releasing me from solitary confinement to public prison was to promise that I will not report the rape to the prison doctor, and I said yes, because I was so scared that they won't release me. After 17 days, they transferred me to the public prison, and I could see people. It felt like a miracle.

Although Roya was transferred to a women's prison, the conditions she had to face were not much better. She witnessed other women being tortured or humiliated. She did not see the prison doctor out of fear for her safety and that of her children. When an Iranian journalist went to visit the prison, Roya was moved to another cell and told that she would pay dearly if she told anything about her ordeal to the media. Eventually, after 66 days in prison she was released on a prohibitive bail. She fled from Iran with her son days before the Iranian government released a warning to all airports not to allow her and her son to exit the country. Subsequently, she was tried in absentia and the public prosecutor released an execution order in her name. Due to lack of evidence, the execution order was revoked, but she was sentenced to six years in prison, which she would have to serve if she returned, along with other pending accusations.

These events have affected Roya and the members of her family to a great degree. Although she was able to reunite with her other children, leaving Iran and not being able to return has brought a lot of pain to all of them. She knows though, that the only way of returning to Iran is if the government changes. Thanks to her courage and the international support she has received, Roya has managed to rebuild her life. "I really appreciate all the international organizations that helped me because the pressure they put on governments is very important to release us [human rights defenders]. While I was in solitary confinement one of the prisoners told me: 'Don't you know what's going on outside? Everyone is talking about you.'

'When I was released from prison and read the Internet I saw such huge support and it helped me a lot," Roya concluded.

Tags:Violations with gendered consequences; sexual violence in custody; Iran.

b. Repudiation of WHRDs

The case of WHRD Ghada Jamsheer from Bahrain illustrates one of the many ways in which women activists may face different consequences than men when their rights are violated. The attempt to use ‘compromising’ pictures of Jamsheer to shame her publicly into stopping her work on women’s rights plays on the societal taboos and norms in Bahrain, where notions of modesty and shame would undoubtedly affect women in different ways than men. Circulation of such pictures in the public domain would not only shame Jamsheer and discredit her work, but could possibly contribute to her public repudiation because of conservative societal norms governing women’s sexuality and bodies.

CASE 2.6

Repudiation of WHRDs: Case of Ghada Jamsheer (Bahrain)

Front Line Defenders

Ghada Jamsheer is the president of the Women’s Petition Committee (WPC), which campaigns for the rights and dignity of women in the Shari’a family courts. Ms. Jamsheer is also the president of the Bahrain Social Partnership for Combating Violence Against Women. As President and founder of the WPC, Ghada Jamsheer is an active supporter of reforms of the legal system, particularly the Shari’a family courts, and advocates on behalf of women who have been wronged by Shari’a verdicts in Bahrain. In 2005, she published a book entitled *The Executioner and the Victim in the Shari’a Courts*, in which she examined the legal reform campaign of WPC and the cases of women who were aggrieved by Shari’a verdicts. In her testimony at the Fourth Dublin Platform for Human Rights Defenders, Ghada explained: “The motivation for this work was the severe suffering that I witnessed, due to the complex religious, patriarchal, and social persecution, which led some women to psychological and neurological institutions.”

WPC held demonstrations and protests in front of Shari’a courts and mobilized the media to raise public awareness about the unfair verdicts in the Shari’a courts. After seven judges from both sects, Sunna and Ja’faryia, were dismissed because of the pressure resulting from the WPC campaign, some Shari’a judges began targeting Ghada as the president of WPC. A group of them filed several criminal law suits against her under the pretext of obstructing the functions of the Shari’a judiciary, with a potential sentence of 15 years in prison.

In 2006, following her participation along with other Bahraini civil society representatives criticizing the Bahraini policies

concerning democracy and women’s political, economic and social rights at the British House of Lords, she received a direct threat from the Minister of the Royal Court, demanding that she give up her activities for women’s human rights. After that, she was put under permanent surveillance. Cars belonging to the intelligence services were constantly outside her house. Her telephone was bugged, listening devices placed throughout the house and the intelligence services tried to put a hidden camera in her house, in an attempt to acquire compromising pictures that could be used to silence her. The government sent individuals to bribe and blackmail her. The intelligence services also attempted to intimidate her family members and the Minister of the Royal Court, Shaikh Khalid bin Ahmad Al-Khalifa, gave orders to newspapers in Bahrain to prevent the publication of any news articles related to WPC or Ghada as its president. They also placed a media ban on her and her blog (<http://bahrain-eve.blogspot.com>) has been blocked in Bahrain for the past three years.

Tags: Violations with gendered consequences; repudiation of WHRDs; Bahrain.

Why take an intersectional approach to analyzing violations against WHRDs?

An intersectional approach exposes the ‘ways in which power, privilege and marginalization are produced through the intersecting deployment of identities’, mediated by multiple factors such as gender, class, race, ethnicity and sexuality.¹⁰⁹ An intersectional approach to analyzing violations against WHRDs is necessary because it takes into account these identities as well as multiple structures and ideologies of oppression underlie violations against WHRDs.¹¹⁰ An intersectional approach is important therefore, because it involves adopting a more dynamic approach to analyzing violations against WHRDs, by simultaneously examining the particularities of their experiences, recognizing their multiple and shifting identities, and examining structural and systemic discrimination.

.....
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An example of the use of an intersectional analysis can be seen from the case of Sunita Devi (below), which

¹⁰⁹ APWLD, *Different but not Divided: Women’s Perspectives on Intersectionality—Summary Report of the Asia Pacific Regional Consultation with the UN Special Rapporteur on Violence Against Women, its Causes and Consequences: ‘Multiple Dimensions of Equality for Women’ held in Kuala Lumpur on 11-12 January 2012*, p. 6.

¹¹⁰ WHRD International Coalition, op. cit., p. 24; and APWLD (b), op. cit., p. 34-37.

illustrates the multiple factors that contribute to the violations that she faces as an activist. Sunita Devi is a Dalit (the untouchable caste, or outcasts) activist from India, who works with a women's self-help group. While the intention behind the attacks against her may have been to restrict her activism, her experience of the attacks is heavily mediated by caste-based politics in the region in which she works. The use of caste-based slurs and the loss of her and her husband's livelihood by members of other caste groupings in her community show how the interlocking systems of gender, class and caste contribute to her vulnerability in her environment.

CASE 2.7

Intersectional Analysis of Discrimination: Case of Sunita Devi (India)

Forum Asia

In January 2011, Ms. Sunita Devi, a Dalit, a widow, and a WHRD from Bihar, India, was threatened and physically assaulted by local moneylenders in her community. It is alleged that the attack was prompted because of her involvement in a women's self-help group (SHG) named *Durga Parivartan Bachat Samooh* run by the social organization *Parivartan Kendra* (Centre for Change).

On 16 January 2011, as the women members of the self-help group were arriving for a meeting in front of Ms. Devi's house, two assailants walked up to Ms. Devi and dragged her by her sari. They started beating her and snatching her ear ornaments. They also shouted demeaning and abusive language, making caste-based slurs to Ms. Devi. The other women intervened and were able to stop the attackers from inflicting further harm.

Ms. Devi with the help of Parivartan Kendra immediately filed a first information report (FIR) at the local police station against her attackers. However, she and her family were still receiving threats. Because of these threats, Ms. Devi and her family left their home and sought refuge to an undisclosed location.

Ms. Devi lost her primary means of earning a living because of this case. Before this incident, she used to wash laundry for her neighbors. However, after the attack and her filing the complaint, people from her community who belong to the same caste as the attackers have stopped sending her their laundry.

Moreover, the family of Ms. Girija Devi, the woman who signed as witness on the complaint, was also facing harassment from other people in the community belonging to the same caste as the attackers. Ms. Girija Devi's husband owns a tea shop located on a piece of land owned by a person belonging to the same caste as the attackers. After the attack, the landowner asked Ms. Girija

Devi's husband to remove his tea shop from his land. Also, the Founder Secretary of Parivartan Kendra, Ms. Varsha Jawalgekar was also threatened that she would be killed any time.

The assailants were arrested and sent to jail. They were later granted bail by the High Court of Bihar and continue to threaten Ms. Sunita Devi, Ms. Girija Devi and Ms. Varsha Jawalgekar.

Women defenders are often subjected to stigmatization and ostracism by community leaders, faith-based groups, families and communities who consider them to be jeopardizing religion, honor or culture through their work. WHRDs like Ms. Sunita Devi find themselves at the bottom of India's caste, class, and gender hierarchies. Her gender and social status are the root causes for her stigmatization as a Dalit woman and resulted in imposed restrictions and attacks from the community. Her lesser position is exploited by more powerful actors in the community who carry out their attacks with impunity. In most cases, these attacks are not properly investigated nor prosecuted. Poor women belonging to Dalit communities and living in a rural area come across difficulties in accessing the justice system. There is often a lack of redress mechanisms for WHRDs like Ms. Devi to ensure their protection.

Tags: Intersectional analysis; India.

The case below of Sonia Pierre, a minority Haitian activist working on the rights of Haitian migrants in the Dominican Republic also shows how multiple systemic factors contribute to her vulnerability within the context in which she works. The legal challenge to her Dominican nationality must be seen within the broader context of widespread discrimination and racism against Haitian migrants and her specific work on the issue of Haitian migrants. The tactics of the Dominican State to defame and therefore further isolate Pierre by claiming that her identity papers are 'fraudulent' draw on widespread prejudice against Haitians in the Dominican Republic and perceptions of them as 'illegal', in addition to the generally polarizing effects of anti-immigration rhetorics.

CASE 2.8

Intersectional Analysis of Discrimination: Case of Sonia Pierre (Dominican Republic)

Amnesty International

Sonia Pierre was the Executive Director of the *Movimiento de Mujeres Dominico-Haitianas* (Movement for Dominico-Haitian Women, or MUDHA) an organization that works to combat anti-Haitian prejudice and racism in the Dominican Republic.

MUDHA works with partner organizations to ensure descendants of Haitian migrants receive Dominican nationality and enjoy their full rights as citizens. The organization also helps monitor human rights abuses such as collective or arbitrary deportations and ill treatment by members of security forces along the Dominican-Haitian border. Sonia Pierre repeatedly received threats by State agents because of her work as a HRD. These include challenges to her Dominican nationality, threats from migration authorities of deporting her and arbitrary arrests by police.

The State failed to implement protection measures for Sonia Pierre and her family. Further, they continuously faced threats, arbitrary arrests, detention and humiliation by the State. For example, in early 2011 Sonia Pierre's son and brother were arrested and detained by police while driving her vehicle. A Dominican friend also in the vehicle was not arrested. Police agents would not let Sonia speak to her son when she arrived at the police station and was told the men were arrested because they needed to check documentation of the vehicle. Soon after the police agreed to release her brother and son, 10 police agents arrested them again on their way home. They were brought back to the police station and accused of drug trafficking. In June 2011, another son of Sonia Pierre was arrested by a police agent while driving. When the police officer became aware that he was the son of Sonia Pierre, the officer made him do 30 push-ups in the middle of the street.

In August 2000, the Inter-American Court of Human Rights (IACtHR) called upon on the Dominican authorities to implement protection measures for Sonia Pierre. The authorities failed to act on this measure and Sonia Pierre and her family were forced to temporarily leave the Dominican Republic because of on-going threats against them. In 2006, the IACtHR ordered the Dominican Republic to widen protection measures to include Sonia Pierre's children. However, when Sonia Pierre asked the Dominican government to pay for someone chosen by her to ensure the protection of herself and her family, the government refused on the grounds that the costs would be too high. When Sonia Pierre later met with a Dominican General and Colonel to speak about implementing protection measures, they offered to provide her with a police officer from Monday to Friday but stated she would have to pay the costs for hiring a police officer, let alone an individual of her choice. In a recent session of the Inter-American Court of Human Rights in 2011, the Dominican state requested the Court to lift any provisional measures for Sonia Pierre and argued she does not require any special protection because she has not been subjected to physical aggression.

Sonia Pierre was also challenged on the legality of her Dominican nationality when the President of the National Border Council publicly claimed that more than 1 million Haitians in the Dominican Republic held fraudulent identity documents, explicitly nam-

ing Sonia Pierre as one of these individuals. In March 2007, an investigation was launched into the validity of Sonia Pierre's birth certificate on grounds that her parents had falsified the documents at her birth. Although the Dominican Supreme Court eventually ruled in Sonia Pierre's favor and dropped any charges, the investigation was arguably designed to intimidate Sonia Pierre and members of MUDHA and discourage them from carrying out their legitimate human rights work.

Sadly, Sonia Pierre unexpectedly passed away on 4 December 2011, following a heart attack at the age of 48.

Tags: Intersectional analysis; Dominican Republic.

Strategies to address the situation of WHRDs

As examined throughout this report, WHRDs face a number of risks, constraints and violations, because of who they are or due to the rights that they defend. As violations against WHRDs may take gender-specific forms or may have gendered consequences for women activists, responding to violations against WHRDs requires specific responses and strategies.¹¹¹

..... Various organizations and groups have and are developing specialized resources and strategies for addressing the situation of WHRDs. In order to systematize and centralize these resources for the protection of WHRDs, in 2011 the WHRD International Coalition’s Working Group on Urgent Responses for WHRDs at Risk (the WG on Urgent Responses) conducted a Mapping and Preliminary Assessment of available resources.¹¹² This report identifies several key issues in relation to the development of strategies for WHRDs:

While many human rights organizations both with and without gender-specific mandates address the protection of WHRDs, many types of urgent responses that are used have not been specifically designed for women.

..... While many human rights organizations both with and without gender-specific mandates address the protection of WHRDs, many types of urgent responses that are used have not been specifically designed for women, and this has been identified as a significant area for future development.

Organizations and groups that address protection of defenders receive fewer cases of WHRDs at risk than male defenders. The report suggests two possible reasons for this trend: first, WHRDs rarely identify themselves as such; and second, they often ‘do not consider their security a priority, meaning that they are less likely to reach out for help’.

Women’s rights organizations are more likely to receive cases of WHRDs, but given that they also tend to be more poorly funded, they may be unable to provide effective or appropriate responses.

Finally, the report states that a key issue for organizations addressing WHRDs is to place the needs and wishes of WHRDs regarding their own security at the center of any process aiming to address their situation.

¹¹¹ Immaculada Barcia, *Challenges and Limitations to Urgent Responses for WHRDs* (Unpublished brief for the WHRD International Coalition, 2011)

¹¹² I. Barcia (a), op. cit., p. iii.

The findings of the report provide a picture of the general landscape in which organizations have been developing protection strategies for WHRDs, drawing attention to the fact that the protection of WHRDs remains an area that continues to require attention.¹¹³

What principles should govern strategies to address WHRDs?

General principles governing responses to WHRDs have emerged in the work of organizations in this field.¹¹⁴ Recognizing that many of the obstacles and risks that WHRDs face are due to structural inequities, upholding the human rights principles of universality and non-discrimination in all aspects of this work must therefore be central to addressing cases of WHRDs. This is not limited to discrimination on the basis of gender and sexual identity, but must also acknowledge other structures or ideologies of oppression (such as those involving class, caste, race, religion or ethnicity), in order to ensure that marginalized groups of WHRDs are not further made invisible.¹¹⁵

As consistently highlighted in previous chapters, it is necessary to pay particular attention to the gender dimension of cases relating to WHRDs.¹¹⁶ This requires examining the gender-specificity of individual violations; gendered structures and ideologies permeating a given context; the range of State and non-State perpetrators who may pose specific threats to WHRDs; and the resulting gendered consequences of violations. Critical to developing effective and gender-sensitive responses is also the recognition that different WHRDs may have different needs, mediated by their identities, social positioning, personal situations and the contexts in which they live and work. For this reason, it is also critical that individual plans are developed for each WHRD, taking into account the specificity of each case.¹¹⁷

.....
Critical to developing effective and gender-sensitive responses is also the recognition that different WHRDs may have different needs, mediated by their identities, social positioning, personal situations and the contexts in which they live and work.
.....

WHRDs are themselves best placed to evaluate risks to their own security and that of their families, as well as to identify the best possible responses. This principle of placing WHRDs at the center of developing security or protection strategies involves more than merely obtaining their consent or approval for particular measures. Continuous consultative mechanisms will better enable the

¹¹³ Ibid., p. 1.

¹¹⁴ This section draws from: Immaculada Barcia, *Urgent Responses for Women Human Rights Defenders at Risk: Characteristics and Key Principles of Effective Responses to WHRDs at Risk*. (Unpublished brief for AWID and WHRD International Coalition, March 2011).

¹¹⁵ Ibid., p. 2.

¹¹⁶ Ibid p. 3.

¹¹⁷ I. Barcia (b). op. cit.

needs and desires of WHRDs to remain at the core of developing and implementing protection strategies.¹¹⁸ Ensuring support for longer-term measures that are integrated, holistic and sustainable are also crucial to ensuring the welfare and wellbeing of WHRDs, rather than piece-meal approaches that are merely reactive to different situations.¹¹⁹ Recognizing WHRDs as agents as well as victims, as actors as well as objects of threats, and who are therefore participants rather than recipients of protection plans should inform the process of development and implementation of strategies for their protection.

Finally, certain practical considerations must be kept in mind when dealing with emergency cases, where quick and effective responses must be prioritized. Protection measures, strategies or plans must be flexible, accessible and timely, minimizing the bureaucratic procedures and maximizing the ease with which they can be used or implemented.¹²⁰ Organizations wishing to assist WHRDs must also be transparent and accountable in their actions.

The following case details an initiative from Meso-America which exemplifies a number of these principles.

Case 3.1

A Feminist Alternative for the Protection, Self-Care and Security of Women Human Rights Defenders in Meso-America¹²¹

Association of Womens Rights in Development

The Meso-American region, made up of Mexico and Central America, faces a worrisome increase in the attacks and threats against women human rights defenders (WHRDs), who, in addition to suffering the same kinds of attacks that their male colleagues suffer, are also targets of specific gender-based violence, especially when they challenge patriarchal norms and systems. Guatemala, Mexico and Honduras are the countries where the greatest numbers of attacks against WHRDs are reported. In 2010 alone, 15 killings of women defenders were reported in these countries. However, democratic institutions are losing ground in Costa Rica, Nicaragua, and Panama; and El Salvador is facing the costs of social violence and a series of conservative policies, which endanger the work of WHRDs.

¹¹⁸ Ibid. Also see: I. Barcia (c) p. 4.

¹¹⁹ I. Barcia (b) op. cit.

¹²⁰ *Urgent Responses for Women Human Rights Defenders at Risk: Characteristics and Key Principles of Effective Responses to WHRDs at Risk*. Immaculada Barcia. AWID/ WHRD International Coalition (March 2011). p. 5-6.

¹²¹ For more information see: MI-WHRD, op-cit.

The Meso-American Initiative of Women Human Rights Defenders seeks to generate alternatives for protection, self-care and security to address the violence that WHRDs face both because of the work that they do as well as their gender. The Initiative began in 2009, and culminated in April 2010 with a gathering of WHRDs from the Meso-American region in the city of Oaxaca, Mexico. Fifty-five women defenders from 49 national, regional and international organizations, networks and campaigns participated in this gathering. Based on this gathering, the first and only existing assessment on the situation of violence against WHRDs in this region was developed. In addition, a series of strategies were drawn up that seek to contribute to diminishing the violence that WHRDs face as a way of strengthening and giving continuity to their struggles and movements. Among these strategies, the following are key:

- ✓ Strengthening the regional and national networks among WHRDs for denouncing situations of violence, as well as for promoting protection, security and self-care. For example, a WHRD listserv was created with 88 women defenders from Mexico, Guatemala, Honduras, Costa Rica, Nicaragua, Panama and El Salvador. This listserv is used to share relevant information with women defenders in the region, as well as sharing and generating support of and solidarity with cases that require rapid responses.
- ✓ Denouncing and heightening the visibility of situations of violence against WHRDs in Meso-America. For example, several women defenders from the region participated in a March 2011 panel with the UN Special Rapporteur on the Situation of Human Rights Defenders to denounce the violence against WHRDs at the UN Human Rights Council.
- ✓ Rapid responses to cases and situations of violence against WHRDs. Some of the rapid responses include: requests for precautionary measures from the Inter-American Commission on Human Rights (IACHR); statements and letters of support; communications with international human rights mechanisms; and protests in front of embassies. Currently a protocol for rapid response is being designed and providing safe havens for women defenders at risk is under consideration.
- ✓ Documenting and systematizing the cases and situations of violence against WHRDs in Meso-America. The Meso-American Initiative is developing a proposal to register cases and situations of violence that will provide a complete assessment of the extent of the situation of violence that women defenders face in the region.
- ✓ Developing processes for training on protection, security and self-care for WHRDs. The Meso-American Initiative has created a team of experts that is designing a methodology

and curriculum on: security and protection, self-care, coping mechanisms, documentation and utilizing international human rights mechanisms.

The Meso-American Initiative of Women Human Rights Defenders is coordinated by a steering group that is currently comprised of: the Feminist Collective for Local Development (El Salvador), the Association for Women's Rights In Development (AWID), Just Associates (JASS), the Oaxaca Consortium for Parliamentary Dialogue and Equity (Mexico), the Guatemala Unit for the Protection of Human Rights Defenders (UDEFEQUA), and the Central American Women's Fund (FCAM).

What are some of the strategies to address the situation of WHRDs?

In this report, 'strategies' refer to the sum of responses used to address a particular aspect of the situation of WHRDs, including short-term or long-term strategies and approaches that link international responses to local actions. WHRDs International Coalition recognizes the need for multiple strategies to address the multiple dimensions of the situation of a WHRD at risk may be required, as well as the need to make such assessments on a case-by-case basis.

Strategies vary depending on whether they aim to address the broader context in which WHRDs work such as by addressing structures of discrimination and inequality, or immediate protection measures warranted by individual cases. While a comprehensive listing of responses is not undertaken here, this report focuses two types of strategies:

1. Strategies to address protection and security in individual cases of WHRDs
2. Strategies to address contexts in which WHRDs work

The simultaneous use of strategies to address immediate protection concerns, as well as strategies to address wider structural issues in the social or political domain, may contain mutually reinforcing or overlapping elements.

1) Strategies to address protection and security in individual cases of WHRDs

Strategies to address protection and security of WHRDs aim to address the immediate situation of individual WHRDs at risk. Urgent responses by their nature aim to address the immediate protection needs of WHRDs and may include urgent appeals, sponsorship programs, solidarity and monitoring visits, trial observation, emergency

grants, safe houses, or emergency hotlines. Some of these methods, such as urgent appeals, may aim to deter immediate harm of WHRDs by increasing international attention, pressure or visibility around their case. Others, such as trial observation or solidarity visits might have the explicit purpose of monitoring and encouraging the fair treatment of WHRDs.

Many types of urgent responses may attempt to create international visibility and pressure around a WHRD case. International visibility, either through international campaigns, urgent appeals, or communications with UN or regional bodies/organizations, can draw attention to the immediate situation of a WHRD as well as encourage monitoring of the situation of human rights in a particular country. Regional and international awards are also a means to recognize and celebrate the work of WHRDs, which can counter the repression and violations WHRDs experience within their local countries. International pressure and monitoring can not only act as an immediate deterrent to violence against a WHRD at risk, but also may contribute to longer-term protection because it signals to States that their actions are being scrutinized by the international community. International pressure is of course only effective if States are susceptible to how they are perceived in the international arena. It is essential that WHRDs should always be consulted when developing high visibility strategies to ensure that such strategies do not place them or their families in further danger, or cause damage to their work at the local level.

Calling for accountability of perpetrators of violations is a critical part of addressing individual cases of WHRDs. As seen throughout this report, perpetrators of violations against WHRDs can be State agents such as police, military or public officials, or non-State actors, such as family, community, religious actors or businesses. Holding these actors to account may refer to legal accountability and prosecution at the domestic level or through international mechanisms, or to a number of other measures that go beyond punishment of individual perpetrators to again raise visibility of the case. For example, as in cases of transitional justice processes, the use of national or international ‘truth and reconciliation’ commissions, reparations that might be ‘compensatory, restitutionary, rehabilitative and symbolic’ may also be sought in cases of violations against WHRDs.¹²²

Many organizations use localised strategies to provide support or assist WHRDs such as providing legal or medical assistance, introduc-

.....
Urgent responses by their nature aim to address the immediate protection needs of WHRDs and may include urgent appeals, sponsorship programs, solidarity and monitoring visits, trial observation, emergency grants, safe houses, or emergency hotlines.
.....

¹²² For more information, refer to: WHRD International Coalition, op. cit., p.99-101.

..... ing stress management programs, providing safe-houses, installing emergency hotlines to call for help, or sending trained volunteers who—backed up by international support networks—can provide protective accompaniment to WHRDs in their daily activities or at moments of particularly high risk or political significance. Grants can also provide necessary funds to WHRDs and their organizations to cover legal fees, medical assistance, or relocation assistance that could be essential for the survival of WHRDs at risk. Grants are sometimes also used to physically fortify the homes or offices of WHRDs and their organizations to increase their physical protection, hire security guards, or install surveillance mechanisms. WHRDs have also use funds for armed cars, bulletproof vests, or security personnel to accompany them when they attend large gatherings that they anticipate to pose threats to their physical safety. Such strategies involve support at the local level and working with WHRDs in their own communities and contexts.

Low profile non-localised responses, particularly in cases of WHRDs at high risk, include supporting the relocation of WHRDs through the provision of emergency grants, rest and respite and relief programs or fellowships, which aim to get WHRDs and their families out of a dangerous environment.

Other low profile non-localised responses, particularly in cases of WHRDs at high risk, include supporting the relocation of WHRDs through the provision of emergency grants, rest and respite and relief programs or fellowships, which aim to get WHRDs and their families out of a dangerous environment. These responses may provide financial and other forms of assistance for a period of rest and recuperation, study or other means of continuing their human rights work from a different location. Some organizations, recognizing that WHRDs may often have to care for young children or family members, include the cost of bringing family or paying certain costs related to relocation such as tuition or uniforms for school-going children.

2) Strategies that address the context in which WHRDs work

Strategies that address the contextual and structural challenges facing WHRDs aim to improve the environment in which WHRDs live and work. The variety of contexts in which WHRDs work can all be assessed against the protection of basic civil and political rights, such as protection of the rights codified in the UN *Declaration on Human Rights Defenders* and other international human rights law. Advocating for protection, in law and in practice, of the rights to freedom of assembly, association and expression, contributes to the defense of human rights in general and for equitable treatment of WHRDs. Public campaigns to address impunity for violations against defenders and challenge heteronormative and patriarchal ideologies that fuel repressive laws or policies affecting of WHRDs also contribute to long-term efforts to improve the situation of WHRDs. Ad-

dressing discrimination, stereotypes, prejudice, misogyny or harmful cultural practices against women in general may contribute toward the creation of an environment where WHRDs and their work are recognized and respected. It also reduces the possibility of retaliation against WHRDs for transgressing traditional norms of femininity or gender roles within their communities.

A long-term measure for protection also includes the capacity building of WHRDs themselves, through trainings and workshops focusing on different issues of relevance to their work and their lives as activists. For example, in security trainings that provide a space for WHRDs to share their security concerns, participants learn how to identify risks and develop security or protection plans for themselves and their organizations develop the ability of WHRDs to become more adept at responding to threats.¹²³ Given the psychological and emotional stress of working on human rights issues, as well as the pressure of working in dangerous environments, many WHRDs and organizations that aim to support WHRDs have also focused on strategies for self-care and recovery of women activists, through drop-in centers, workshops, and the provision of other resources.¹²⁴ Additionally, international platforms can be an opportunity for WHRDs to share their experiences and strategies used to achieve human rights outcomes as well as to strengthen their protection.

An important ongoing strategy, and one of the central goals of the WHRD International Coalition, is advocating for the recognition of WHRDs based on their gender-identity and the work they do on gender-issues and for their specific protection at local, regional and international levels. The situation of WHRDs has been promoted at regional bodies, such as the African Commission on Human and People's Rights, the Asia-Pacific Forum of National Human Rights Institutions and the Council of Europe, as well as at the international level at the UN Human Rights Council, UN Special Rapporteurs working on a range of related issues, the UN treaty bodies, and the Universal Periodic Review process. This has also been an important means by which to advance human rights issues that have met with opposition or been previously marginalized, such as the rights of LGBTI persons and the range of rights related to sexuality and gender identity.

.....
An important ongoing strategy, and one of the central goals of the WHRD International Coalition, is advocating for the recognition of WHRDs based on their gender-identity and the work they do on gender-issues and for their specific protection
.....

¹²³ For example, see: Front Line Defenders, *Training in Security and Protection*, available at <http://www.frontlinedefenders.org/security-training> and Jane Barry, *Integrated Security: The Manual*. (The Kvinna Till Kvinna Foundation and UAF, 2011) Available at: http://www.integratedsecuritymanual.org/sites/default/files/integratedsecurity_themanual.pdf

¹²⁴ For example, see: Marina Bernal, *Self-care and Self-Defense Manual for Feminist Activists* (New York: CREA, 2008).

Finally, cooperation between different movements and the formation of networks can both increase the resources at the disposal of WHRDs and their organizations as well as improve the scope and visibility of their work.¹²⁵ Networks can increase solidarity across movements and mutually reinforce the principles and goals of different movements.

Case studies

The following case studies illustrate some of the responses discussed above in individual cases of WHRDs. Each of the case studies have multiple responses, which as previously discussed is designed on a case by case basis to address the multiplicity of issues facing WHRDs in need of protection.

1) Protective accompaniment

Case 3.2 illustrates a number of strategies to address the protection of WHRDs (such as urgent appeals as well as international intervention and visibility), including the use of protective accompaniment, a strategy developed and used by the organization Peace Brigades International (PBI). PBI has offered protective accompaniment to Valentina Rosendo and Ines Fernandez, members of the *Organización del Pueblo Indígena Mepha'a* (Organization of the Indigenous Mepha'a People, or OPIM) for a long period because of the high levels of threats experienced by members of OPIM.¹²⁶ PBI selects international teams of volunteers to physically accompany threatened local defenders on a day-to-day basis. The presence of an international volunteer is intended to serve as a deterrent for violent attacks against HRDs, in addition to providing moral support or 'solidarity' in a non-intrusive way as they carry out their daily activities. Additionally, volunteers are also well placed to communicate and activate PBI's extensive networks of contacts that include diplomats, lawyers, and international actors, who can react in different ways to situations of emergency.¹²⁷ The combination of physical accompaniment, through the presence of an international volunteer, and the generation of political pressure can therefore serve as an effective means of protection of HRDs.

¹²⁵ I. Barcia (c), op. cit.

¹²⁶ I. Barcia (a), op. cit., p. 11.

¹²⁷ For more information on 'protective accompaniment', see: I. Barcia (a), op. cit., p. 11; Also see: <http://www.peacebrigades.org>

CASE 3.2

Strategies: Case of Valentina Rosendo and Ines Fernandez, Organización del Pueblo Indígena Mepha'a (OPIM in Mexico)

Peace Brigades International

Valentina Rosendo and Ines Fernandez are members of the *Organización del Pueblo Indígena Mepha'a* (Organization of the Indigenous Mepha'a People, or OPIM). In 2002, both women were attacked and raped in separate incidents. Inés Fernández and Valentina Rosendo reported the attacks to the authorities, but no one was brought to justice. Instead of taking steps to carry out full and impartial investigations, the military investigators tried to refute the allegations, placing the burden of proof on the women themselves and refusing to accept evidence of rape.

Strategies

Peace Brigades International (PBI) has provided protective accompaniment to OPIM since 2004. PBI documented systematic threats, surveillance and harassment against Valentina and her family members. Following the sentence of the Inter-American Court of Human Rights that declared the Mexican State responsible for violating their human rights and at the request of Valentina's legal representatives, PBI carried out a detailed risk assessment. This helped guide the Mexican authorities in implementing appropriate protection measures, increasing Valentina's security.

In February 2009, within the framework of the UN Universal Periodic Review (UPR) of Mexico, PBI raised OPIM's concerns with the foreign offices of Norway, UK, Spain, Germany, Holland, France, Switzerland and Portugal as well as the Geneva-based embassies of Spain, UK, Germany, Argentina, Brazil, and Peru. As a result, six countries presented recommendations regarding HRD at Mexico's UPR session including: 1) End of impunity around the threats and attacks against HRDs; 2) Call for dialogue between the Mexican state and HRD; and 3) Call for the public recognition of the Mexican government of the important role of HRD. In March 2009, at PBI's request, representatives of 13 embassies of the European Union (EU), as a show of their support and expression concern for attacks against HRDs, met OPIM and public authorities in Guerrero. The EU issued two public statements expressing such concerns in March and June.

In October 2009, PBI facilitated the visit of a delegation of lawyers from the Spanish Bar Council to meet HRDs and authorities in Guerrero and in Mexico City seeking to provide legal assistance in the fight against impunity. The Spanish Bar Council also prepared an amicus brief to the Inter-American Court for the case of Valentina Rosendo and awarded OPIM their 2010

Human Rights Prize. In December 2009, PBI arranged a delegation of lawyers from the UK, USA and Canada. They subsequently published the report, *Recalling the Rule of Law: Report of the lawyer's delegation to Mexico*, launched at the UK Parliament. In 2010, at request of PBI, the EU expressed concerns about attacks against OPIM within the framework of the Human Rights Dialogue EU-Mexico, and representatives of the EU Delegation and the embassies of Austria, Belgium, Germany, Spain, and the UK attended the reopening of the Auytla office of the Tlachinollan Human Rights Center. The EU Delegation issued a press release about this activity which also mentioned their support of the OPIM, and called for the full implementation of the Inter-American Court of Human Rights rulings.

Tags: Strategies; protective accompaniment; urgent appeals; international visibility; Mexico.

2) Visits

Visits to express solidarity or to monitor the situation of WHRDs or other defenders at risk can be done by international NGOs, delegations or fact-finding missions, and can not only bring support to WHRDS at risk, but can also bring media attention and visibility to the dangerous situations in which they often have to work.¹²⁸ Case 3.3 of CCALP in Colombia offers an example of how a monitoring visit by six embassies, coordinated by PBI, was used to raise the visibility of defenders at risk. PBI sought the support of embassies using the *European Union Guidelines on Human Rights Defenders*, which aims to support diplomatic interventions by EU missions into cases of defenders in third countries.¹²⁹ As seen in this case, the visit was believed to have had a positive impact on the security of the organization.

CASE 3.3

Strategies: Case of CCALP (Colombia)

Peace Brigades International

In 2010, WHRDs from the *Corporación Colectivo de Abogados Luis Carlos Pérez* (Luis Carlos Pérez Lawyers' Collective, or CCALCP), suffered 17 security incidents, including selective thefts, threats, physical assaults, and stigmatization. The person most targeted was CCALCP President, Judith Maldonado.

¹²⁸ I. Barcia (a), op. cit., p. 6-7.

¹²⁹ For more information on the EU Guidelines, their purpose and scope, see: *Ensuring Protection—European Union Guidelines on Human Rights Defenders*. Available at: http://eeas.europa.eu/human_rights/guidelines/defenders/index_en.htm.

According to a statement by CCALCP, on 4 August 2010, two armed men on an unlicensed motorbike attacked Judith Maldonado as she was getting out of her car opposite the CCALCP office. During the attack they stole her bag with confidential documents as well as her cell-phone and laptop computer and insulted and threatened her saying ‘you are going to get yourself killed, you son of a bitch’. On the morning of the same day, Julia Figueroa of CCALCP and Judith Maldonado noticed that they were being followed and that two men travelling on a motorbike were acting suspiciously.

In September 2010, Judith Maldonado’s bag, containing her laptop computer, external hard-drive which contained highly sensitive information from the last 9 years of work and many documents, was stolen from her car, along with the keys to her car and office. However, other valuable objects were not taken. According to witnesses, three men broke into the vehicle and took the bag, and although there were many other vehicles parked there, Judith’s was the only one that had been robbed.

The previous week, Yuliana Rico, a lawyer with CCALCP, was attacked as she returned to the CCALCP office after lunch. An unknown individual grabbed her from behind and held a knife to her chest. The man took her mobile phone and then pushed her to the ground and fled the scene on a motorbike that was waiting.

These new attacks came after Judith had received a voice message on her mobile phone warning that members of CCALCP had got themselves into a problem that they were not going to be able to get out of, and that they would pay dearly for ruining the plans of the ‘Black Eagles’ (a neo-paramilitary group).

Strategy

Due to the increased risk to their safety, Peace Brigades International (PBI) conducted advocacy work through its international support network, and—within the framework of the *European Union Guidelines on Human Rights Defenders*—facilitated a visit with six embassies to the area. According to WHRDs from CCALCP, the representatives of the diplomatic community present committed to asking the Colombian authorities about the results of the investigation of the threats and attacks against the CCALP members. They believe that the visibility of the visit—together with a speaking tour that PBI organized in Europe shortly afterwards—had a positive impact on the organization’s security.

Tags: Strategies; regional mechanisms/instruments; solidarity/monitoring visit; Colombia.

3) International and regional mechanisms

Many of the cases below depict the strategies of defenders' organizations to contact and call for specific actions from international or regional actors. International visibility can help defenders publicize their cases and generate diplomatic or media pressure on the State in which the defender is at risk.

Cases 3.2 above, and 3.4 and 3.5 below, show how organizations supporting defenders have called for interventions by regional or international bodies and actors. While a simple causal relationship is not always visible between the actions of an international actor and the release or any other positive development of a defender, the cumulative effect of a number of different actions at different levels can result in the deterrence of an attack because of the high visibility given to the WHRD at risk.

CASE 3.4

Strategies: Case of Jestina Mukoko (Zimbabwe)

Front Line Defenders

Jestina Mukoko is the National Director of the Zimbabwe Peace Project (ZPP), an organization monitoring and documenting violence and violations of human rights across the country through a network of peace observers. ZPP's reports provide the international community with assessments of human rights violations, including violence against women.

On 3 December 2008, at 5 o'clock in the morning armed men in plain clothes surrounded Jestina Mukoko's house in Norton, a short drive from the capital, Harare. Six men and a woman, claiming to be police officers, broke into her house and told her to come with them immediately. They refused to say where she was being taken. Jestina Mukoko's son, who witnessed the abduction, reported the kidnapping to human rights organizations. They searched for her in police stations around Harare without finding her.

While being held captive, Jestina was tortured and kept in inhumane conditions that intruded on her privacy, ignored her need for medical care, and worsened her health so gravely almost died. Her abductors tortured her in order to obtain information regarding her work in relation to the ZPP and forced her to sign a confession.

Strategy

When Front Line Defenders was notified about Jestina's abduction, it issued an *urgent appeal* to the UN Office of the High

Commissioner for Human Rights, the African Commission on Human and People's Rights, the permanent Secretary of the Ministry of Foreign Affairs in Zimbabwe and to the President of Zimbabwe asking for Jestina's release, for an impartial investigation to be carried out in relation to her abduction and for her physical and psychological wellbeing to be guaranteed. The Front Line Director phoned Mr. David Mangota, Permanent Secretary of the Ministry of Justice Legal and Parliamentary Affairs and spoke to him directly twice.

In addition Front Line Defenders sent the case to the European Union (EU), which raised concern about her fate with the Zimbabwean authorities. At its meeting on 11-12 December 2008, the European Council made a declaration on Zimbabwe demanding the immediate release of Jestina Mukoko and of all other people held incommunicado.

Concerned with the safety of the staff members of ZPP who continued to be targets of political violence since Jestina's abduction, Front Line Defenders awarded the organization with a *security grant* in order to help the organization continue its work in monitoring and documenting human rights violations in the region.

On 2 March 2009, Jestina was released on bail from police custody. On 28 September 2009, the Zimbabwean Supreme Court ruled against the prosecution of her case. In December 2009, Front Line Defenders invited Jestina to a reception celebrating International Human Rights Day at the Dutch Embassy in Dublin, Ireland. She met with ambassadors and other members of the diplomatic community. Since her release, Jestina continues to work with ZPP monitoring and documenting human rights violations, including violence against women.

Tags: Strategies; grants; international visibility; regional mechanisms; Zimbabwe.

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While a simple causal relationship is not always visible between the actions of an international actor and the release or any other positive development of a defender, the cumulative effect of a number of different actions at different levels can result in the deterrence of an attack because of the high visibility given to the WHRD at risk.
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CASE 3.5

Strategies: Case of Leyla Yunus (Azerbaijan)

Front Line Defenders

Leyla Yunus is a HRD in Azerbaijan and Director of the Institute of Peace and Democracy (IPD). In 2001, IPD founded the first and only organization of its kind in Azerbaijan, the Women Crisis Centre (WCC). From 2001 until 2011, WCC has assisted more than 14,000 women. In 2008, IPD and WCC started providing legal aid to parents of girls who were kidnapped from home. The investigation led by IPD and WCC discovered that criminal groups, including officials of the Ministry of Interior, were involved in the kidnapping of children for trafficking. The organizations made public the names of the police officers involved in the trafficking network, and sent the evidence to the Grave Crime Court. The court started proceedings against three young men, who had directly kidnapped a young girl in 2005 and two girls, aged 7 and 14, in 2007. IPD was monitoring the trial.

In an interview published on 3 December 2008, Leyla Yunus revealed that during the trial, one of the kidnappers confessed the girls had been handed over to a head officer in the police department for trafficking purposes. However, this accused officer was not called to trial, and the defendants' accusations of torture in custody were ignored. In response to her interview, the Ministry of Interior declared that Leyla's statements constituted an abuse of freedom of speech in the mass media, violating Article 10 of the *Law on the Media*, and libel under Article 23 of the *Civil Code* of Azerbaijan and had caused moral damages to the 'professional reputation of the police'.

Strategy

When Leyla was falsely accused by the Ministry of Interior and called to court, Front Line Defenders contacted Azerbaijani authorities including the Foreign Minister, the Azerbaijan Council and the Ministry of Interior reminding that Leyla Yunus should be protected as a HRD under the Universal Declaration of Human Rights Defenders. Front Line Defenders also expressed concerns regarding the unfounded accusations and their potential consequences and issued an urgent appeal for the charges against her to be dropped. In its campaign, Front Line Defenders contacted international and national organizations, and raised her case before the European Commission, European Parliament, Czech Presidency, British Foreign and Commonwealth Office and the UN Human Rights Council.

Front Line Defenders' actions, in addition to interventions made by other organizations in support of Leyla Yunus, encouraged thorough *monitoring* of her court case by several diplomatic missions of the EU member states. During the trial, Leyla's attorney successfully contested the competence of the tribunal she was

referred to by the Ministry of Interior and on 2 March 2009, the Ministry of Interior withdrew accusations against her. In the same year, Front Line Defenders awarded Leyla Yunus with a *security grant* to cover her legal expenses. However, although Leyla Yunus was not convicted, the criminal organization involved in the trafficking of girls still operates freely. Despite direct evidence raised against the Ministry of Interior officials at the trial, none of them were prosecuted.

In 2011, IPD started to investigate the cases of forced evictions of residents of Baku from their legally owned houses. IPD denounced a complicated mechanism of corruption and breach of the national and international law by Baku City Executive Authority and State Property Committee of Azerbaijan. Leyla Yunus published *eight public letters with an appeal* to the President of Azerbaijan and international organizations which detailed the violations of property rights and named the officials involved, including from the Ministry of Interior. At the same time, Leyla Yunus *lodged a complaint* against the risk of demolition of her own house, which seated offices of three NGOs—IPD, WCC and Azerbaijan Campaign to Ban Landmines. Front Line Defenders issued an *urgent appeal* to the authorities in Azerbaijan urging them not to demolish the building.

The Administrative Economic Court's ruling as of 24 May 2011 prohibited demolition of the Yunus house until the end of the trial. Despite this, late in the evening of 11 August 2011, a bulldozer demolished the house without any warning. Front Line Defenders issued a *media statement* about the illegal demolition.

On 8 September 2011 Leyla Yunus lodged a complaint to the General Prosecutor against the Baku City Executive Authority and AR State Property Committee. The only response by the General Prosecutor's Office was to forward the complaint to the Baku City Executive Authority and AR State Property Committee. Having exhausted *all* the resources to defend themselves in Azerbaijan, on 18 October 2011 Leyla Yunus and her colleagues sent a *complaint* to the European Court of Human Rights.

Tags: Strategies; international visibility; regional mechanisms; grants; Azerbaijan.

4) Emergency grants

Cases 3.5 (above), 3.6, and 3.7 (below) are examples of organizations providing financial grants for security and/or legal expenses. Front Line Defenders and Urgent Action Fund (UAF) both provide such types of funds for defenders at risk, which may be used to cover a range of emergency expenses such as legal or medical fees, or implement specific security measures.

Case 3.5 above shows how Leyla Yunus used a Front Line Defenders grant to pay for her legal fees. Case 3.7 involved the provision of a number of security grants by Front Line to activist Donny Reyes for emergency security purposes. Case 3.6 similarly shows how Indian activist Sumaira Abdulali was able to use a UAF Rapid Response Grant to pay for her administrative legal costs, as well as bolster her campaigning on the issue of sand mining in India. As mentioned previously it is significant to note the importance of emergency grants being quickly and easily awarded to defenders in order to be useful to them as situations arise.¹³⁰

CASE 3.6

Strategies: Case of Sumaira Abdulali (India)

Urgent Action Fund for Women's Human Rights

Woman human rights defender (WHRD) and environmentalist Sumaira Abdulali has faced threats over the past seven years for her work against illegal sand mining in the Indian state of Maharashtra, an area experiencing a construction industry boom. Sumaira spearheads two organizations in the area: the Awaaz Foundation (AF), an organization based in Mumbai working on environmental issues; and the Movement against Intimidation, Threat and Revenge against Activists (MITRA), which was formed by activists after the first attack on Sumaira in 2004 by the well-established, politically controlled 'sand mafia' operating in the region.

The growing and lucrative business of sand mining has induced the formation of an underground sand mafia that ignores government regulations on mining to maximize profits. Politicians across party lines and other officials from all levels of government have become stakeholders in ensuring the continuation of illegal sand mining operations because profits from sand mining are a reliable source of income. Members of the sand mafia are also colluding with these officials to prevent punishment of those involved in the operations while aiming to intimidate activists who might expose them.

¹³⁰ For more information on emergency grants to WHRDs, see: I. Barcia, op. cit., p. 15-16.

Illegally mined sand accounts for the majority of all sand available in Mumbai and in these proportions is unsustainable and damaging to the environment. Women bear the brunt of the social impacts. Mining causes massive landslides that can destroy entire villages, and these natural disasters also affect women disproportionately. Sand mining also deteriorates the quality of water, forcing women to walk longer distances from their villages to find uncontaminated water sources. Finally, as is typical in rural India, women have no voice in the male-dominated sand mining business that is affecting their homes and villages—unless activists intervene; and many activists taking up these issues in India are women.

In March of 2010, Sumaira and several journalists and colleagues drove to a site of illegal sand mining on Bankot Creek in Mahad just outside Mumbai to photograph the mining process. Driving back to Mumbai, they were chased by several vehicles that attempted to push her vehicle over the bridge railing. When this was not successful, Sumaira and her colleagues were forced from their vehicle and abused by a mob of people who threatened to kill them and demanded she surrender the camera. As police accompanied them to the police station, the mob attacked her vehicle, breaking its windows. Although Sumaira identified her attackers, none have been arrested or brought to justice. Rather, those involved alleged that Sumaira and those with her planned to use the photos to blackmail them.

Sumaira's attack occurred within an increasingly dangerous climate in India where activists, journalists, and government officials attempting to expose the mafia have been attacked and murdered. Women activists who are at the forefront of activism for public interest issues in India are increasingly targeted by the mafia. In January, just months before the attack on Sumaira, Nayana Kathpalia—leader of the Citizen's Forum for Protection of Public Spaces—was attacked in her home. Most recently, in August 2011, environmental activist Shehla Masood was threatened and subsequently gunned down as she left her home to attend an anti-corruption demonstration. Despite wide press coverage and attention to the attacks, most cases have gone unresolved and the attackers remain free from justice.

Strategy

Soon after the attack, Urgent Action Fund for Women's Human Rights (Urgent Action Fund) provided a *Rapid Response Grant* to Sumaira to pursue legal recourse to protect both her own safety and that of the many women activists working for human rights in the area. She also requested funds for her campaign to expose the corruption of the sand mafia and the illegal sand mining business.

Sumaira employed several strategies to promote both activist security and environmental protection. This included an *aware-*

ness-raising campaign to address protection of activists through MITRA, and to initiate meetings with the press on the issue of increasing attacks on activists and journalists. Convenors of these meetings initiated *petitions* to the Prime Minister and other high-level government officials demanding protection of and justice for activists who had been attacked. MITRA had already filed a *suo moto public interest petition* in the Bombay High Court to demand that government provide justice for and protection of activists working in public interest causes in the area. As a result of the collective campaign and pressure on the government applied by a range of actors, the Parliament passed the *Public Interest Disclosure and Protection to Persons Making the Disclosure Bill* of 2010. The Bill mandates that government protection is provided to whistleblowers and activists and that their cases are investigated speedily.

Tags: Strategies; grants; globalization; non-State actors; accountability of economic actors; India.

CASE 3.7

Strategies: Case of Donny Reyes (Honduras)

Front Line Defenders

Donny Reyes has been actively involved with *Asociación Arcoiris*, an organization promoting the rights of gay, lesbian, transsexual, bisexual and inter-sex (LGBTI) people, located in Tegucigalpa, Honduras. On 18 March 2007, Donny Reyes was accompanying a female colleague when six police officers, travelling in two police vehicles, approached them and demanded to see their identity documents. When police officers ordered him to get into the car, he refused to do so. They then began to beat him saying 'We have to get rid of these queers from here', and forced him into the car. The officers beat him and then took him to a police station where they left him in a cell for six-and-a-half hours. Other detainees repeatedly raped and beat him. Donny reported the incident to the Public Prosecutor's office.

Strategies

Front Line Defenders issued an urgent appeal urging the Irish government to put pressure on the Honduran authorities to carry out an immediate, thorough, and impartial investigation into the arbitrary detention and rape of Donny Reyes, with the results made public and those found responsible brought to justice in accordance with international standards.

Due to the risks he was facing while the case was being investigated and the precarious environment in which he worked, Donny was invited to participate in a security training work-

shop and was given *three security grants* between 2008 and 2010 for his general protection and as emergency support. In November 2008, while he was in Dublin for the training workshop, Front Line Defenders invited Donny to attend the launch of the 'Protect One Empower A Thousand' campaign organized in association with The Body Shop, Ireland as a joint national campaign on protection of human rights defenders. The campaign enabled customers at The Body Shop stores throughout Ireland to take direct action on the cases of human rights defenders in six countries. Donny's case was highlighted in the campaign. Donny also had a chance to meet with Irish parliamentarians and Senators and members of the press, which presented an opportunity to speak about the injustice against him and the constant risks he faced while being active in promoting the rights of the LGBTI community in Honduras.

On 8 February 2010, the Public Prosecutor found guilty the members of police involved in Donny's assault.

Tags: Strategies; urgent appeals; security training; grants; national campaigns; international visibility; Honduras.

5) Urgent appeals

Several organizations produce urgent appeals which are ‘public statements concerning reports of actual or impending human rights violations or abuses that aim to generate a rapid and broad-based response’.¹³¹ A number of the cases above illustrate the use of urgent appeals as a means to draw rapid attention to impending, actual, or continuing violations. In case 3.8 below, specific appeals to Indian authorities to intervene as well as general international appeals on the Front Line Defenders website were used to generate visibility and action around Rehana Adib’s case. They also brought international recognition to the work of WHRDs helping to reinforce their credibility and the legitimacy of their work.

CASE 3.8

Strategies: Case of Rehana Adib (India)

Front Line Defenders

Rehana Adib is a feminist leader in Muzzafarnagar, Uttar Pradesh, India. She works for *Astitva*, an organization working with poor women and girls from the Muslim community, focusing on women’s right to education, health services, and reproductive rights. The organization takes up cases of domestic violence, sexual assault and other forms of gender-based violence.

In early 2010, a 12-year-old girl who was a member of Astitva’s adolescent women support group was lured into the house of a local shopkeeper and violently raped by the shopkeeper’s brother-in-law for four months. The relatives of the girl notified Astitva about the incident, and the organization filed a report with the local police. Staff members of the organization, along with the police, brought the girl to the local hospital for a medico-legal report. While they were at the hospital, the perpetrators went to the police station and bribed the station officer with 50,000 rupees to avoid the charges. When the members of Astitva returned to the police station and asked the station officer to file a criminal report against those responsible, the station officer refused. At the insistence and protests of Astitva against the officer’s refusal, the station officer eventually agreed to write the report but he threatened Rehana that she will suffer for it.

The police officer coerced the young victim to write another statement stating that Rehana trafficked her and also organized for her to be raped. Subsequently, Rehana was called to the police station and was informed that two cases were filed against her for trafficking the child and for being an accomplice to her rape. Rehana was asked to give her statement in relation to the

¹³¹ I. Barcia (a), op. cit., p. 2.

events, but when she refused to testify in relation to the false accusations, the police officer asked her to meet him alone 'in a peaceful area where he could spend some time with her, enjoying and eating food made with her own hands'. and she will not be sent to jail. Two after Rehana resisted the intimidation tactics of the police officer, agents of the police searched her home and her office. They also called to the houses of her children threatening and intimidating them. As a result of the accusations against her and the work she was doing, Rehana was shunned within the community. Due to the additional police harassment, Rehana and her children went into hiding.

Strategies

Once informed of Rehana's case, Front Line Defenders sent *urgent appeals* to the Indian President and Prime Minister, to the Ministry of Law and Justice in India, to the Embassy of India in Ireland, the Indian Ambassador to the United Nations and the Head Officer of the police station where Rehana was falsely charged. The urgent appeal demanded the Indian authorities to take immediate measures to prevent the recurrence of Rehana's sexual harassment and to take disciplinary measures against the police officer responsible for her harassment. In addition, Front Line pointed out that all investigations into the complaints made against Rehana should take full account of the previous complaint that was filed in relation to the rape of the 12-year-old girl and of all of the information provided by Astitva. At the same time, Front Line Defenders published the *urgent appeal* on its website, highlighting Rehana's case, and the need for international intervention. Readers of the website could sign on to the appeal calling for an end to her harassment and sent the petition to the Indian authorities.

Following international pressure on the case the police officer that harassed Rehana was suspended, a newspaper journalist was fired for threatening Rehana, and the young victim wrote another statement declaring that she had been forced to testify against Rehana. The international recognition for Rehana as a credible and strong defender of women's rights also helped to restore her reputation and standing in the community.

Tags: Strategies; urgent appeals; India.

Conclusion

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The process of collecting, selecting and analysing cases for the Global Report has reaffirmed the continuing need for better documentation of WHRD cases.
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The Global Report on the Situation of Women Human Rights Defenders (the Global Report) seeks to contextualise the experiences of women human rights defenders. The contextual analysis that interweaves the Global Report case studies exposes systemic inequities and the oppression of WHRDs. It is imperative that the individual experiences of WHRDs are analysed in their wider socio-cultural, political and economic contexts to ensure a better understanding of the specific risks faced by WHRDs, and of the absolute need for systemic change.

There are a number of elements required to ensure continued recognition and comprehensive understanding of the situation of WHRDs.

From its beginnings, the International Coalition identified the ‘absence of systematic and consistent documentation of the gender specific nature of the violence against WHRDs.’¹³² The process of collecting, selecting and analysing cases for the Global Report has reaffirmed the continuing need for better documentation of WHRD cases. Enhancing criteria for data collection—such as disaggregation according to gender and gender-based rights—would enable systematic and consistent information to be collected on WHRDs. It is exceedingly difficult to ensure the visibility of WHRDs in the absence of longitudinal documentation of their work and implementation of response strategies.

Human rights organisations, including those that support WHRDs, must enhance their capacity to identify and articulate issues through a gender perspective. This not only means that documented cases need to provide a better assessment of the general environment for WHRDs, but that they will also need to engage in a more critical interrogation of the institutions, structures, and actors that perpetuate and reinforce patriarchal and heteronormative ideologies.

The human rights movement and international community must improve its recognition of the gender specific nature of violations and resulting gendered consequences for WHRDs. The systematic and coherent classification of violations can serve as a useful analytical tool in determining sources and types of risks to WHRDs. This would

¹³² S. Abeysekera, op.cit., p. 16-17.

greatly assist in exposing systemic abuses of defenders' rights, and in advocating for the need for specific forms of protection.

The Global Report clearly demonstrates that WHRDs operate in complex, multiple reinforcing contexts, of which they themselves have the strongest understanding. Adopting a feminist and gender-sensitive approach to developing strategies to support and protect WHRDs, whereby the defenders are centrally involved in their design and implementation, is critical to achieving personal safety measures effective in the long term, and in creating environments where WHRDs are enabled to do their work.

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A feminist and gender-sensitive approach to developing strategies to support and protect WHRDs is critical to achieving personal safety measures effective in the long term, and in creating environments where WHRDs are enabled to do their work.
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ANNEX: Case Grid

Case Name	Tags	Country	Contributor	Case No.
FUNDAMENTALISMS				
Laxmi Bohara	Domestic violence in retaliation for human rights work	Nepal	ISHR	1.1
Luizatey Mirova	Legitimacy of fundamentalist actors; impunity	Chechen Republic	UAF	1.2
Sisters In Islam	Speaking from 'within' religion; international visibility/mechanisms	Malaysia	Forum Asia	1.3
WOREC	Traditional structures of authority; international visibility	Nepal	Forum Asia	1.4
Dr. Tiller	Reproductive rights; legal restrictions and use of administrative laws; international visibility; awards	USA	CRR	1.5
MILITARIZATION & SITUATIONS OF CONFLICT				
Maria Ligia Chaverra	Normalization of military presence; non-State actors	Colombia	PBI	1.6
Inés Fernández Ortega And Valentina Rosendo Cantú (Opim)	Normalization of military presence; gender-based violence; Indigenous defenders	Mexico	PBI	1.7
DRC Cases	Sexual violence; gender-based violence	Democratic Republic of Congo (DRC)	Front Line Defenders	1.8
Ingrid Vergara	non-State actors	Colombia	PBI	1.9
GLOBALIZATION				
Association Of Indigenous Xinka Women Of Santa Maria Xalapán	Lack of accountability of economic actors	Guatemala	PBI	1.10
San Juan Sacatepequez	Defending rights to land and natural resources; Indigenous defenders;	Guatemala	PBI	1.11
Sandra Viviana Cuellar	Defenders of economic social and cultural rights	Colombia	AWID	1.12
Teacher Protests	Defenders of economic social and cultural rights; freedom of assembly	Honduras	AWID	1.13

Case Name	Tags	Country	Contributor	Case No.
CRISES OF DEMOCRACY & GOVERNANCE				
WOZA	Undemocratic environment; freedom of assembly	Zimbabwe	AI	1.14
Isatou Touray	Authoritarian regime; WHRDS against harmful cultural practices	The Gambia	ISHR	1.15
Sisma Mujer	Failure to protect; gender based-violence	Colombia	AI	1.16
Marisela Oritz	Impunity; gender based violence	Mexico	AWID	1.17
Valdenia Aparecida Paulino	Violations by State agents	Brazil	AI	1.18
Alba Cruz	Threats to family; failure to implement protection measures; violations by State agents	Mexico	AI	1.19
One Milion Signatures	Restrictions on freedom of expression and assembly	Iran	AI	1.20
HETERONORMATIVITY				
LGBTI Activists	Defenders on sexual rights; LGBTI defenders	Uganda	AI	1.21
OASIS	Defenders of sexual rights; sex workers	Guatemala	PBI	1.22
Pouline Kimani	Defenders of sexual rights	Kenya	Front Line Defenders	1.23
LGBT Centre	Restrictive use of administrative/legal procedures; freedom of association; LGBTI defenders	Mongolia	Forum Asia	1.24
Ang-Ladlad	Restrictive use of administrative/legal procedures; freedom of association; LGBTI defenders	Philippines	Forum Asia	1.25
Mao Hengfeng	Undemocratic environment; defenders of reproductive rights; gender-based violations	China	AI	1.26
VIOLATIONS				
Justine Bihamba	Gender-based violence; sexual assault and rape; attacks against family	DRC	Front Line Defenders	2.1
Mutabar Tadjibaeva	Gender-based violence; sexual assault and rape; threats/attacks against family	Uzbekistan	Front Line Defenders	2.2
Mu Sochua	Gender-based violence; sexuality baiting	Cambodia	Forum Asia	2.3
Maria Cristina Gomez	Gender-based violence; attacks against family	Guatemala	Front Line Defenders	2.4
Aida Quilque Vivas	Gender-based violence; attacks against family	Colombia	OMCT	2.5
Roya Toloui	Violations with gendered consequences; sexual violence in custody	Iran	Front Line Defenders	2.6

Case Name	Tags	Country	Contributor	Case No.
Ghada Jamsheer	Violations with gendered consequences; repudiation of WHRDs	Bahrain	Front Line Defenders	2.7
Sunita Devi	Intersectional analysis	India	Forum Asia	2.8
Sonia Pierre	Intersectional analysis	Dominican Republic	AI	2.9
STRATEGIES				
Meso-America Strategies	General	Mexico And Central America	AWID	3.1
OPIM	Protective accompaniment; urgent appeals; international visibility	Colombia	PBI	3.2
CCALP	Regional mechanisms/instruments; solidarity/monitoring visit	Colombia	PBI	3.3
Jestina Mukoko	Grants; international visibility; regional mechanisms	Zimbabwe	Front Line Defenders	3.4
Leyla Yunus	International visibility; regional mechanisms; grants	Azerbaijan	Front Line Defenders	3.5
Sumaira Abdulali	Grants; globalization; non-State actors; accountability of economic actors	India	UAF	3.6
Donny Reyes	Urgent appeals; security training; grants; international visibility	Honduras	Front Line Defenders	3.7
Rehana Adib	Urgent appeals	India	Front Line Defenders	3.8

About WHRD International Coalition

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 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 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 Coalition is currently composed of the following 25 members:

- 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 in Development (AWID)
- Baobab for Women's Human Rights
- Center for Reproductive Rights (CRR)
- Center for Women's Global Leadership (CWGL)
- Coalition of African Lesbians (CAL)
- Front Line International Defenders (Front Line)
- Human Rights First
- Information Monitor (Inform)
- International Federation for Human Rights (FIDH)
- International Service for Human Rights (ISHR)
- International Women's Rights Action Watch Asia Pacific (IWRAW-AP)
- Isis International
- ISIS-Women's International Cross-Cultural Exchange (ISIS-WICCE)
- The Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM)
- MADRE
- Peace Brigades International (PBI)
- Urgent Action Fund for Women's Human Rights (UAF)
- Women Living Under Muslim Laws (WLUML)
- Women's Global Network for Reproductive Rights (WGNRR)
- Women's Initiatives for Gender Justice (WIGJ)
- Women's Rehabilitation Center (WOREC)
- World Organization against Torture (OMCT)

<http://www.defendingwomen-defendingrights.org/>

Defending Women Defending Rights

WOMEN HUMAN RIGHTS DEFENDERS INTERNATIONAL COALITION