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Women Human Rights Defenders
International Coalition
Defending Women Defending Rights



WHRDMENA
COALITION
Women Human Rights Defenders
in Middle East and North Africa

JOINT CIVIL SOCIETY BRIEFING PAPER

Committee on the Elimination of Discrimination against Women

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THE SITUATION OF WOMEN HUMAN RIGHTS DEFENDERS

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Women human rights defenders (WHRDs) are working to advance human rights and gender equality, as well as to combat discrimination and violence against women in all parts of the world. As regularly acknowledged by the Committee on the Elimination of Discrimination against Women (the Committee), women human rights defenders are key agents in ensuring effective implementation by States of the rights guaranteed in the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). They also play an important role monitoring and promoting implementation of the concluding observations and views of the Committee.

At the same time, women human rights defenders are being threatened, harassed, intimidated, stigmatised, jailed, forcibly disappeared, and killed, because of their work to promote gender equality. This ill-treatment threatens the full realisation of the Convention and undermines the work of the Committee.

It is of grave concern that the targeting of WHRDs is increasing globally. The Committee can play an important role in authoritatively setting out the legitimacy of their work, while at the same time strengthening the framework for their protection. This briefing paper outlines some recommendations towards this end.

A. WHO ARE WOMEN HUMAN RIGHTS DEFENDERS?

- The United Nations Office of the High Commissioner for Human Rights defines women human rights defenders as women working on ‘any issue related to human rights and fundamental freedoms’ or anyone who works to protect ‘women’s rights and gender equality’, including other gender-related issues and sexual rights.¹
- Working to protect women’s rights and promote gender equality includes promoting the education of women and girls; combating sexual harassment, violence and negative stereotypes; working to end female genital mutilation; ensuring access to safe and legal abortion; working against discrimination on grounds of sex, sexual orientation, gender identity, gender expression or sex characteristics; working in peace and mediation processes in conflict and post-conflict situations; promoting women’s participation in political processes, and any other activities that promote women’s welfare and equality.
- Women human rights defenders are not always described as ‘women human rights defenders’, nor do they always self-identify as such—the definition is expansive. For example, ‘representatives of civil society and non-governmental organizations, grassroots activists, lawyers, journalists, parliamentarians, members of the judiciary, and services providers who often

help ensure that women can exercise their rights’ can all be women human rights defenders.²

B. LEGAL FRAMEWORK

- The Universal Declaration of Human Rights and the core human rights treaties all set out principles of non-discrimination and equality, including on the basis of gender.
- The rights to defend human rights and to engage in human rights work are set out in both the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights. As laid out in a joint statement of the UN Special Rapporteur on Human Rights Defenders and representatives of all UN Treaty Bodies (including the CEDAW Chairperson) ‘the UN Declaration on Human Rights Defenders reaffirms, is underpinned by, and elaborates binding human rights obligations, including rights set out in the Treaties, and is relevant to the interpretation and implementation of the Treaties’³.
- UN General Assembly resolution 68/181, adopted by consensus, outlines the human rights protections related specifically to women human rights defenders.
- The particular risks and threats faced by women human rights defenders, together with their specific protection needs, have also been analysed in various reports and communications

¹ UN OHCHR Fact Sheet: [Women Human Rights Defender](#), September 2014

² UN General Assembly [Resolution 68/181](#), December 2013

³ 20th anniversary of the UN Declaration on Human Rights Defenders - [Joint statement](#) by a group of Chairs, Vice-Chairs and members of the United Nations human rights Treaty Bodies and the UN Special Rapporteur on Human Rights Defenders; June 2018

of the UN Special Procedures, particularly the Special Rapporteur on human rights defenders, the Special Rapporteur on violence against women, and the Working Group on discrimination against women in law and practice.

- The African Commission on Human and Peoples' Rights has also explicitly recognised the role of women human rights defenders in the African continent, while outlining protection needs and concerns.⁴
- These are also reflected in WHRD-specific provisions in national laws on the protection of defenders, such as those in Mexico, Colombia, Cote d'Ivoire, Mali and Burkina Faso. The Committee is well placed to build on and strengthen this jurisprudence.

C. WHRDs & THE CONVENTION

There are, to a certain extent, important references to the role played and risks faced by women human rights defenders in the Convention and the Committee's General Recommendations.

- Article 7 of the Convention recognises the rights of women to political and public life, particularly in the development and implementation of government policy. General Recommendation 23 on political and public life articulates to a certain degree the rights of women in participating in political parties, trade unions and NGOs.⁵
- General Recommendation 30 recognises the roles of women human rights defenders in conflict prevention, conflict and post-conflict situations.⁶ It recognises that "[g]ender-based violence also leads to multiple additional human rights violations, such as State or non-State attacks on women's rights defenders, which undermine women's equal and meaningful participation in political and public life." It further calls on States to "address specific risks and particular needs" of WHRDs.
- General Recommendation 34 recognises the role of the rural WHRDs and the risk of violence they may face when protecting victims, transforming local customs or securing natural resource

rights.⁷ It calls on States to "Implement measures to prevent and address threats and attacks against rural women human rights defenders, with particular attention to those engaged on issues related to land and natural resources; women's health, including sexual and reproductive rights; elimination of discriminatory customs and practices; and gender-based violence".

- General Recommendation 35 highlights that 'discrimination against women was inextricably linked to other factors' that included stigmatisation of women who fight for rights. It further states that 'harmful practices and crimes against women human rights defenders, politicians, activists or journalists are also forms of gender-based violence against women affected by such cultural, ideological and political factors'.⁸

However, the Committee has so far not provided an explicit recognition of WHRDs in general, the role they play in advancing human rights, the risks they face in this regard, or the measures that need to be taken to ensure that they and their work are protected. It has not made explicit the right to defend rights.

D. WHRDs & CEDAW CONCLUDING OBSERVATIONS⁹

- The Committee has recognised the important role played by women human rights defenders and has been increasingly principled in publicly denouncing instances the challenges that some may face as a result of their engagement with the Committee. However, the Committee could be more deliberate and comprehensive in providing States with the guidance to change the harrowing situation of women human rights defenders in their country.
- Almost all the States under review in the period March 2014-November 2017 received concluding observations pertaining to the situation of WHRDs in their countries. While only 18 countries received concluding observations that explicitly used the term 'women human rights defenders', the concluding observations on the remaining 66 countries made reference to them by referring to

⁴ African Commission for Human and Peoples' Rights [Resolution 336](#) on Measures to Protect and Promote the Work of WHRDs, February 2016

⁵ [CEDAW General Recommendation No. 23](#) (see paras. 32-34)

⁶ [CEDAW General Recommendation No. 30](#)

⁷ [CEDAW General Recommendation No. 34](#)

⁸ [CEDAW General Recommendation No. 35](#)

⁹ See annex for summary of concluding observations related to WHRDs

civil society organisations, non-governmental organisations or women's organisations.

- The extent to which these concluding observations are concrete and targeted varies significantly.
- The Committee has taken some measures to adopt concluding observations in certain key areas of concern to WHRDs, including in relation to ensuring an enabling environment for human rights work; freedom of association; systematising documentation of violations; preventing and protecting from reprisals; women, peace, and security; and combating impunity.
- However, the majority of the concluding observations related to WHRDs invite and encourage States parties to collaborate and engage with stakeholders, listing NGOs as one among many. The participation of WHRDs in CEDAW processes is essential, and we welcome the Committee's diligence in following up in these regards. These do not usually take into account the specific circumstances of WHRDs in the country under review.

E. ESSENTIAL ROLE OF WHRDs FOR THE REALISATION OF THE CONVENTION

- As acknowledged in the above mentioned joint Declaration with the Special Rapporteur on HRDs, the effective realisation of the rights contained in the Convention relies upon the contribution of civil society, who play a vital role by monitoring and evaluating State compliance with the Convention, assisting in policy formation as well as service design and delivery, identifying rights violations, and holding authorities accountable for the consequences of their actions.
- The Committee relies upon women human rights defenders to assist in monitoring the implementation of the Convention. Reports from civil society are crucial for the State review process and follow up, and NGOs frequently assist individuals to bring cases under the Optional Protocol to the Convention. Local advocates are also imperative for ensuring national level follow-up and implementation of the Committee's recommendations.
- Women human rights defenders will not always bring threats and attacks against themselves to the attention of the Committee; they prefer to

use limited civil society time to highlight the violations of the Convention affecting the communities they represent. Yet, so many from all regions in the world are facing direct threats and attacks for working in the very areas of rights contained in the Convention. This is why it remains crucial for the Committee to proactively ask women human rights defenders about the challenges they face in carrying out their work.

- Therefore, for the Convention to have meaning in practice, States should ensure that women human rights defenders can play this vital role, by providing a safe and enabling environment and guaranteeing the rights of defenders, so that they can voice their concerns and critiques of government action without fear of reprisals. This obligation is implicit in the normative content of the Convention, such that a failure to protect defenders may amount to a violation of the Convention. However, the Committee could do more to authoritatively articulate this obligation.

F. EXAMINING VIOLATIONS FACED BY WHRDs

- Women human rights defenders are working within the current context of global challenges of closing space for civil society. This trend of closing space involves the enactments of laws and practices that effectively impede human rights work, including through arduous NGO registration and reporting processes, restrictions on receiving and accessing funding, misapplication of certain laws such as counter-terrorism and public assembly laws, among others. The Urgent Action Fund for Women's Human Rights has studied the particular impact this has had on women human rights defenders:

"Not only do these defenders work in contexts of high levels of government corruption and bureaucratic lethargy, they face economic and structural discrimination, which constitute additional barriers. In particular, patriarchal attitudes generate hostility to defenders of the rights of women, sex workers, and members of LGBTQI+ communities. The rise or resurgence of religious fundamentalism also has

contributed to social stigma attached to the work of WHRDs.”¹⁰

- Women human rights defenders also face particular threats in conflict and post-conflict situations. Situations of armed conflict, militarised masculinity and subsequent break down of rule of law together with a traditionally patriarchal society create a dangerous environment for women and girls. Women human rights defenders are pivotal in promoting sustainable peace, yet they are constantly excluded, criminalised and experience gender-based violence, which hampers their participation in decision-making processes.
- Women human rights defenders are at risk of:
 - Physical assault and death
 - Enforced and involuntary disappearance
 - Judicial harassment and criminalization
 - Deprivation of liberty, including travel bans
 - Intimidation and harassment, including in online spaces
 - Impunity and invisibility of violence targeting WHRDs
 - Stigmatisation based on misogynist stereotypes
 - Burnout and challenges in sustaining their movements

Framing

- As acknowledged by the UN Special Rapporteur on the situation of human rights defenders and the UN Working Group on discrimination against women in law and practice,

“Women human rights defenders face unique challenges, driven by deep-rooted discrimination against women and stereotypes about their appropriate role. Today’s rising fundamentalisms of all kinds and political populism, as well as unchecked authoritarian rule and uncontrolled greed for profit-making further fuel discrimination against women, intensifying the obstacles

facing women human rights defenders. In addition to the risks of threats, attacks and violence faced by all human rights defenders, women human rights defenders are exposed to specific risks. Those working on rights contested by fundamentalist groups such as women’s sexual and reproductive health and rights and those denouncing the actions of extractive industries and businesses are at heightened risk to attacks and violence.”¹¹

- However, as the former Special Representative Hina Jilani clarified, ‘this is not to define women human rights defenders as a special category’.¹² Rather, the intent is to highlight the specific risks, challenges and vulnerabilities they face in order to develop responsive protection strategies.

Categorisations

- Women human rights defenders face violations from the perspective of two different categorisations, which are more fully articulated in the Women Human Rights Defenders International Coalition’s Global Report on the Situation of Women Human Rights Defenders¹³:
 - Gender-based violence against WHRDs, which is regularly used by State and non-State actors against WHRDs as a consequence of the work they do or as a means of discouraging their engagement in human rights work.
 - Violations against WHRDs that have gendered consequences. This 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.

Intersectionality

- These categorizations highlight the importance of an intersectional approach to analyzing violations against WHRDs because it takes into account the multiple identities, structures and ideologies of

¹⁰ Urgent Action Fund for Women’s Human Rights, [Rights Eroded: A Briefing on the Effects of Closing Civil Society Space on Women Human Rights Defenders](#), December 2017

¹¹ [Statement of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on the situation of human rights](#)

[defenders; and Special Rapporteur on violence against women, November 2016](#)

¹² [Report of the Special Representative of the Secretary General on human rights defenders](#), 27 February 2002

¹³ [Global Report on the Situation of Women Human Rights Defenders](#), January 2012

oppression that underlie violations against WHRDs. 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.

Non-State actors

- Women human rights defenders often face abuses perpetrated by non-State actors including members of their own family, community and faith-based groups, non-State armed groups, private security agencies, corporations, organized crime, among others. While international jurisprudence maintains the State

as the duty bearer, the Committee could engage with defenders to identify how to use the State review to ensure investigations and prosecutions into allegations of abuses by non-State actors, and to press upon the State complicity in many of these crimes.

Countering invisibility of WHRDs

- WHRDs are often rendered invisible due to structural barriers in human rights analyses, case advocacy and policy formulation. In particular, the specificities of their experiences in defending rights, in experiencing violations and in requiring targeted remedies is too often lost. In addition, WHRDs themselves often do not report violations because of fear or reprisals.

RECOMMENDATIONS TO THE COMMITTEE:

We welcome the Committee's work and efforts, through its Concluding Observations, Views, General Recommendations and public statements, to reiterate that threats and obstacles to WHRDs represent impediments to the promotion and implementation of the Convention itself and to call upon States to respect and protect the work of women human rights defenders.

We strongly welcome the Committee's recent endorsement of the San Jose Guidelines against Intimidation or Reprisals, which is an important step towards safeguarding WHRD engagement with the UN treaty body system.

We encourage the Committee to strengthen its ongoing work in supporting WHRDs by ensuring a coherent and strategic approach to provide the very protections that WHRDs engaging with the Committee need.

We also encourage the Committee to support measures to strengthen the meaningful participation of WHRDs in both national and multilateral fora, including by providing guidance about their inclusion in multilateral decision-making processes and facilitating their access to such spaces, adequate resource allocation, visas and other relevant measures.

As such, we strongly encourage the Committee to:

- Mark publicly the occasion of the 20th anniversary of the UN Declaration on HRDs by issuing a public statement celebrating the work of women human rights defenders. The Committee could draw in this regard from the above-mentioned recent joint statement of Treaty Body members and the Special Rapporteur on Human Rights Defenders in relation to the recognition and protection of defenders;
- Develop concrete and targeted concluding observations related to the situation of women human rights defenders by:
 - Drawing on existing frameworks, norms and jurisprudence including the UN Declaration on HRDs and the General Assembly resolution 68/181,
 - Outlining the gendered nature of attacks they may face and the specific remedies required,
 - Identifying clearly the perpetrators and duty-bearers, particularly in instances of violations where multiple actors may collude;
- Develop a new General Recommendation on the recognition and protection of women human rights defenders that:
 - Explicitly underlines the legitimacy of engaging in the work of defending the rights contained in the Convention,
 - Contains an authoritative analysis of the specific protection needs of WHRDs,
 - Develops a gendered-analysis of remedies to violations faced by women human rights defenders.

About this Briefing Paper: This briefing is a result of both compilation of public information and direct information and experiences of the Amnesty International, Asia-Pacific Forum on Women in Law and Development (APWLD), Association for Women in Development (AWID), Centre for Reproductive Rights, Cross Cultural Foundation, Gulf Centre for Human Rights, Human Rights Watch, International Lesbian, Gay Bisexual, Trans and Intersex Association (ILGA), International Service for Human Rights (ISHR), International Women's Rights Action Watch Asia Pacific (IWRAW-AP), Nazra for Feminist Studies, Sexual Rights Initiative, Urgent Action Fund for Women's Human Rights, Urgent Action Fund-Africa, Urgent Action Fund-Latin America and the Caribbean, WHRD Middle East and North Africa Coalition, Women's International League for Peace and Freedom (WILPF), Women's Global Network for Reproductive Rights (WGNRR), Women's Rehabilitation Centre (WOREC), World Organisation Against Torture (OMCT).

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