

WOMEN HUMAN RIGHTS DEFENDERS



Women human rights defenders play a critical role in promoting accountability and respect for international human rights standards.

Women and girls who act to promote or protect human rights and people of all genders who defend the human rights of women or works to advance rights related to gender equality – collectively known as “women human rights defenders” (WHRDs)¹ – are often targeted with particular forms of violence and harassment. This is because they are often perceived as challenging traditional notions of family and gender roles in society, a perception that can generate hostility from State actors and from the public, the media, faith-based groups, the community, family and other non-State actors.² Defenders working on sexual and reproductive health and rights are often among the first to come under attack.

WHRDs can be civil society representatives, grassroots activists, lawyers, journalists, parliamentarians, members of the judiciary, bloggers or vloggers, influencers, social workers, and health service providers who often play fundamental roles in ensuring that women and girls can exercise their rights. They are not always described as “women human rights defenders”, nor do they always self-identify as such.

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

The United Nations Declaration on Human Rights Defenders³ reaffirms rights that are essential for WHRDs, including freedom of opinion and expression, freedom of peaceful assembly, freedom of association, the right to access funding and the right to develop and discuss new ideas in the area of human rights. Defenders also have the right to make complaints about policies relating to human rights, to have such complaints reviewed and to benefit from an effective remedy. The Declaration “does not create new rights but instead articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders.”⁴

WHRDs face all of the same risks and violations as human rights defenders generally. However, the consequences of these violations are often gender-specific for WHRDs due to the prevailing social and cultural norms in a given context. WHRDs can also face additional gender-specific threats and violence, in both public and private spheres, such as gendered verbal abuse (online and offline), sexual harassment, rape and sexual violence, which can also lead to further violations, such as stigmatization. People supporting or close to WHRDs, including family members, may also be specifically targeted. Further, the risks and challenges faced by WHRDs are also intersectional. Aside from gender, other aspects of their identities, such as age, religion, ethnicity, class, disability, sexual orientation and gender identity, and the ways in which these aspects intersect shape the risks and violations that they are exposed to.

Attacks against WHRDs often focus on their reputation and/or their sexuality as non-conforming with dominant stereotypes of “appropriate” behaviour by women and men, including certain conservative narratives that relegate a woman’s role to the family and procreation.⁵ In this way, they are often specifically targeted when participating in collective public actions or movements, both online and offline, and may find themselves isolated and ostracized by their communities and families.

In the same light, WHRDs can be the target of certain forms of populism, religious extremism and accused of promoting foreign values. In conflict and disaster situations or situations of militarisation and economic and political insecurity, these threats, risks and violations are often exacerbated.

The particular challenges and violations that WHRDs face call for public support and recognition, gender-specific responses and protection measures to create a safe and enabling environment, online and offline, as well as the building of solidarity between and within diverse, inclusive and strong human rights and gender equality movements.⁶

WOMEN HUMAN RIGHTS DEFENDERS ARE ALL WOMEN AND GIRLS WORKING ON ANY HUMAN RIGHTS ISSUE (“WOMEN DEFENDERS” AND “GIRL DEFENDERS”), AND PEOPLE OF ALL GENDERS WHO WORK TO PROMOTE WOMEN’S RIGHTS AND RIGHTS RELATED TO GENDER EQUALITY. THIS INCLUDES LESBIAN, GAY, TRANSGENDER AND INTERSEX (LGBTI) ACTIVISTS, AS ISSUES RELATED TO SEXUAL ORIENTATION AND GENDER IDENTITY ARE PART OF ACHIEVING GENDER EQUALITY.



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



DEFENDING SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS MAY BE PERCEIVED AS CHALLENGING RELIGIOUS AND CULTURAL NORMS TRIGGERING A BACKLASH

Sources: Reports of the Special Rapporteur on the situation of human rights defenders, A/HRC/40/60 (2019), paras. 81, 12; A/70/217 (2015), para. 62; A/HRC/16/44 (2010), paras. 23, 30; Working Group on the issue of discrimination against women in law and in practice, A/HRC/38/46 (2018), paras. 31, 42.



COMMUNICATIONS CONCERNING WOMEN HUMAN RIGHTS DEFENDERS SENT BY THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS BETWEEN 2004 AND 2018*

YEAR	TOTAL NUMBER OF HRD COMMUNICATIONS	TOTAL NUMBER OF WHRD COMMUNICATIONS	% WHRD OF TOTAL
2004	315	93	29.5
2005	315	95	30.2
2006	370	144	38.9
2007	372	110	29.6
2008	489	179	36.6
2009	270	113	41.9
2010	237	76	32.1
2011	238	74	31.1
2012	252	86	34.1
2013	237	77	32.5
2014	233	73	31.3
2015	208	87	21
2016	254	164	21
2017	206	63	30.6
2018	256	59	23
TOTAL	4252	1493	35%

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

KEY ISSUES

1 TRENDS RESTRICTING THE RIGHTS OF HUMAN RIGHTS DEFENDERS

Human rights bodies have raised concerns about the restrictions of rights on defenders working on sexual and reproductive health and rights.

According to the Special Rapporteur on human rights defenders, women defenders “have been facing increased repression, violence and impunity despite formal State commitments to respect, protect and fulfil their legal human rights obligations without discrimination. In some cases, State actors have engaged in direct attacks against women defenders and their families, including through defamation campaigns, judicial harassment and criminalization. An increasing number of States in the global North and South have been restricting civil society space, imposing legal and administrative requirements that curtail the rights to freedom of opinion, expression, association and assembly.”⁷ The Special Rapporteur has highlighted threats to these defenders at their places of work, including police raids, invasive searches of their offices, as well as confiscation of computers and documents. “Where computer files have contained information about sexual orientation and HIV prevention, including about condom use, staff and volunteers of LGBT groups have sometimes been arrested or harassed.”⁸ Online, WHRDs, particularly those working on sexual and

reproductive health and rights, systematically face threats, attacks and violence from State and non-State actors because of who they are, what they are fighting for, and the movements they are part of.⁹

Human rights bodies have also observed that the limited funding allocated for WHRDs, particularly at the local and community level, as well as restrictive and divisive donor policies have also had a distinct harmful impact on defenders working on sexual and reproductive health and rights, including on the solidarity between movements and the civic space within which they can advocate.¹⁰

STATES OFTEN INVOKE **“PUBLIC MORALITY”** TO JUSTIFY LIMITATIONS ON THE RIGHTS OF WHRDS WORKING ON SRHR TO FREEDOM OF ASSOCIATION & EXPRESSION.

The International Covenant on Civil and Political Rights stipulates that these rights may be restricted only when such restrictions are provided for by law, are necessary in a democratic society and are for a legitimate purpose. Thus, although States can limit these rights in some circumstances, States must ensure that these limitations are not discriminatory and do not prevent the enjoyment of rights recognized under international law.¹¹

The right to freedom of opinion and expression includes the right of all people “to seek, receive and impart information and ideas of all kinds.”¹²

The Human Rights Committee has clarified that it may also protect expression regarded as offensive by others.¹³ Freedom of expression is crucial to the work of defenders because it protects the “monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights.”¹⁴

Freedom of assembly and association is equally important to defenders because it involves “the right of individuals to interact and organize among themselves to collectively express, promote, pursue and defend common interests.”¹⁵

The Special Rapporteur on human rights defenders has emphasized that the promotion and protection of human rights is a legitimate purpose for an association. This is also recognized by the Declaration on Human Rights Defenders, which establishes the right of everyone, “individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at

the national and international levels.¹⁶ The Committee on the Rights of the Child also highlighted the right of adolescents, particularly girl defenders, to freedom of association and peaceful assembly in all its forms and the need for safe spaces and measures that address gender-specific threats and violence against them.¹⁷

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

The Special Rapporteur on human rights defenders has expressed concern about the trend of judicial harassment against women defenders working on sexual and reproductive health and rights through the

use of laws on public morals.¹⁸ Article 11 of the Declaration on Human Rights Defenders recognizes the right of everyone "to the lawful exercise of his or her occupation or profession."¹⁹ Yet, the trend has been to criminalize directly and indirectly or otherwise severely restrict defenders' work, including by bringing false charges against them to intimidate and silence them.²⁰

2 CERTAIN GROUPS OF WOMEN HUMAN RIGHTS DEFENDERS FACE PARTICULAR RISKS

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

Special procedures bodies have highlighted that the work of WHRDs is often perceived "as challenging 'traditional' notions of the family which can serve to normalize and perpetuate forms of violence and oppression of women. This can, in certain contexts, lead to hostility or lack of support from the general population, as well as the authorities,"²¹ and their own families and communities. This is, for example, the case of WHRDs campaigning against domestic violence, incest, child and forced marriage, marital rape and female genital mutilation, advocating on issues related to HIV or access to safe and legal abortion.²²

The Special Rapporteur has noted the role of the media in these types of attacks, highlighting the "stereotypical portrayals and insults used against women defenders working on issues such as rape, domestic violence and female genital mutilation."²³ According to the Special Rapporteur, such stigmatization often legitimizes attacks against them.²⁴

A common accusation directed in particular at those working on women's rights, gender issues, and LGBT rights, is the assertion that these defenders are somehow advocating or attempting to import "foreign" or "Western" values which contradict national or regional culture. State agents or representatives are often alleged to be responsible for such stigmatization.²⁵

The Committee on the Elimination of Discrimination against Women has urged States to "implement effective measures to encourage all media, including advertising and information and communications technologies to eliminate discrimination against women in their activity, including harmful and stereotyped portrayal of women or specific groups of women, such as women human rights defenders."²⁶

Medical and health professionals upholding sexual and reproductive health and rights are also considered WHRDs.

Because these professionals provide sexual and reproductive health services, they "ensure that women can exercise their reproductive rights."²⁷ According to the Special Rapporteur on the situation of human rights defenders, these professionals are frequently targeted as a result of their work and face harassment, intimidation and physical violence in many countries. In some cases, attacks against health professionals perpetrated by non-State actors have resulted in killings and attempted killings.²⁸



HUMAN RIGHTS BODIES HAVE RECOGNIZED THE IMPORTANCE OF PROVIDING VISIBILITY AND RECOGNITION TO THE WORK OF WHRDS AS A FORM OF PROTECTION. THE GENERAL ASSEMBLY URGED "States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against women human rights defenders,"²⁹ and to "take appropriate, robust and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights".³⁰



THE SPECIAL RAPPORTEUR REGRETS THAT, IN MANY COUNTRIES, THERE ARE NO SPECIFIC MECHANISMS IN PLACE TO PROTECT WOMEN DEFENDERS AND THOSE WORKING ON WOMEN'S RIGHTS AND GENDER ISSUES. IN COUNTRIES WHERE SUCH MECHANISMS EXIST, THEY ARE OFTEN HAMPERED BY A LACK OF GENDER-SENSITIVITY, IMPLEMENTATION OR POLITICAL WILL. THE SPECIAL RAPPORTEUR STRONGLY BELIEVES THAT WOMEN DEFENDERS NEED SPECIFIC AND ENHANCED PROTECTION AND TARGETED AND DELIBERATE EFFORTS TO MAKE THE ENVIRONMENT IN WHICH THEY OPERATE A SAFER, MORE ENABLING AND SUPPORTING ONE.³¹

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

RESPECT States should refrain from criminalizing and stigmatizing WHRDs, including those working on sexual and reproductive health and rights. Public recognition of the legitimacy of the work of WHRDs is a first step to preventing or reducing threats and attacks against them.

PROTECT In some States, human rights defenders are subjected to smear and defamation campaigns by the media and other non-state actors and threats to their life. For example, WHRDs working on sexual and reproductive health and rights may be subjected to threats, including against people close to them, and smear campaigns by influential individuals and groups opposing these rights, including online. WHRDs may also face marginalization and violence in the private sphere, often within their own families, as well as in communities, organizations and social movements. The obligation to protect requires States to exercise due diligence in preventing, punishing and redressing harm caused by private parties,³² which includes ensuring that women defenders are able to access justice and receive protection from harassment, threats, retaliation and violence.³³

FULFIL States should provide a safe and enabling environment for WHRDs to be able to do their work. State authorities should, in consultation with WHRDs, establish effective and gender sensitive online and offline protection mechanisms to facilitate their work, promote projects to improve and further develop the documentation of cases of violations against WHRDs, and allocate increased resources towards local WHRDs and for their immediate protection from physical and psychological attacks.



NOTES

- 1 A/HRC/16/44, para. 30.
- 2 A/HRC/40/60, para. 28; A/HRC/38/46, paras. 31, 42.
- 3 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1999).
- 4 United Nations Office of the High Commissioner for Human Rights, Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29, p. 19.
- 5 A/HRC/40/60, paras. 26, 37; A/HRC/16/44, para. 85; A/HRC/38/46, para. 42.
- 6 A/HRC/40/60, para. 107; United Nations Human Rights Council Resolution, A/HRC/RES/31/32 (2016) on Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, para. 9.
- 7 A/HRC/40/60, para. 24; Special Representative of the Secretary-General on human rights defenders, A/64/226 (2009), para. 67.
- 8 United Nations Office of the High Commissioner for Human Rights, Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41 (2011), para. 63.
- 9 Special Rapporteur on violence against women, its causes and consequences, A/HRC/38/47 (2018), paras. 28-29.
- 10 A/HRC/40/60, para. 25; Special Rapporteur on extrajudicial, summary or arbitrary executions, A/73/314 (2018), paras. 76-82.
- 11 General Comment 34 (2011) on freedoms of opinion and expression, para. 26; General Comment 22 (1993) on the right to freedom of thought, conscience and religion, para. 8.
- 12 Human Rights Committee, General Comment 34, para. 11.
- 13 Ibid.
- 14 Special Representative of the Secretary-General on human rights defenders, A/58/380 (2003), para. 14.
- 15 Special Representative of the Secretary-General on human rights defenders, A/59/401 (2004), para. 46.
- 16 Article 1.
- 17 General Comment 20 (2016) on the implementation of the rights of the child during adolescence, para. 45.
- 18 A/HRC/40/60, para. 47.
- 19 Article 11.
- 20 A/HRC/40/60, para. 47.
- 21 Special Rapporteur on the situation of human rights defenders, A/65/223 (2010), para. 23; A/HRC/40/60, paras. 24, 81; A/70/217, para. 62; A/HRC/38/46, paras. 31, 42.
- 22 A/HRC/40/60, paras. 80-81.
- 23 A/65/223, para. 19.
- 24 Ibid., para. 17.
- 25 A/HRC/16/44, para. 85.
- 26 General Recommendation 35 (2017) on gender-based violence against women, updating general recommendation 19, para. 30 (d).
- 27 A/HRC/16/44, para. 45.
- 28 Ibid.
- 29 United Nations General Assembly Resolution, A/RES/68/181 (2014) on Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders, para. 7.
- 30 United Nations General Assembly Resolution, A/RES/72/247 (2017) on Twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, para. 11.
- 31 Special Rapporteur on the situation of human rights defenders, A/HRC/25/55 (2013), para. 100; A/HRC/40/60, paras. 91, 99, 100, 108 d), h), 109 d) e), 110 c) d).
- 32 A/HRC/16/44, para. 85.
- 33 Human Rights Committee, General Comment 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 8.
- 34 Committee on the Elimination of Discrimination against Women, General Recommendation 33 (2015) on women's access to justice, para. 15 (f).