



RECOGNISING AND PROTECTING WOMEN HUMAN RIGHTS DEFENDERS

A Rough Guide to UN General Assembly Resolution 68/181



INTERNATIONAL SERVICE
FOR HUMAN RIGHTS

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Thank you

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| About ISHR

For over 30 years, ISHR has worked closely with and supported human rights defenders from Africa, Asia, Latin America and Europe. Our work has included supporting human rights defenders at the international and regional levels because we understand that their work is essential to protect and promote human rights and the rule of law on the ground. We also build, lead and support networks and coalitions because our experience demonstrates that organisations that work in strategic partnerships are the most effective in achieving positive and sustainable change.

For more information, visit: www.ishr.ch

| Introduction

Women human rights defenders (WHRD) claiming their right to work on human rights issues and fighting for their space to do so are increasingly vulnerable to threats, attacks and violence.

Soni Sori, a WHRD in India fighting for the rights of Adivasi people, was attacked with a chemical substance by unidentified people in February this year. Threats were made that her daughter would face a similar attack if Soni Sori did not stop pursuing a case against a local police official for his role in an extra-judicial killing, and her brother-in-law has since been subject to harassment. Soni Sori had previously been arrested on trumped-up charges in 2011, and was tortured and sexually assaulted while in custody.

Environmental feminist activist Berta Cáceres from Honduras was assassinated in March as a result of her strong and effective role in challenging the construction projects of foreign corporations, in defence of indigenous and environmental rights. Berta Cáceres and other members of her organisation COPINH had been and continue to be systematically harassed and threatened for their work.

Ongoing and intensifying restrictions on civil society in Egypt serve to create a climate of fear for those working on human rights. Mozn Hassan, Executive Director of Nazra for Feminist Studies in Egypt, and Azza Soliman, co-founder of the Centre for Egyptian Women's legal Assistance face travel bans and asset freeze in the latest in a series of measures taken against them and a number of other Egyptian civil society actors under the 'NGO foreign funding case'. The case is seen as intending to silence all dissenting voices in Egypt by criminalising their activities.

These are but a few examples of the systematic attacks faced by WHRDs around the world this year.

Who are ‘women human rights defenders’?

Women who act to promote or protect human rights and all individuals who defend the human rights of women or work for gender equality are collectively known as ‘women human rights defenders’ or WHRDs. These defenders can be representatives of civil society and non-government organisations, grassroots activists, lawyers, journalists, parliamentarians, members of the judiciary, and service providers who often help ensure that women can exercise their rights.

| Challenges faced by WHRDs

Gender-specific protection measures and programmes are required to combat the particular challenges and violations that WHRDs face.

- WHRDs face all of the same risks as human rights defenders generally, and can become targets of State agents and non-State actors
- WHRDs can further face gender-specific threats and violence, such as rape and sexual violence. In addition to causing physical and psychological harm, these forms of violence consequently contribute towards stigmatisation and discrimination of WHRDs
- Often, attacks against WHRDs focus on their reputation and/or their sexuality as non-conforming to the dominant gender stereotypes, which has the effect of marginalising them from their communities
- WHRDs can also face additional risks from their own families and communities. For instance, they can be the target of religious extremism and accused of promoting foreign values.
- In conflict situations, these threats and risks are often exacerbated
- In addition, WHRDs defending the rights of individuals whose behavior is criminalised (for example, lesbian, gay, bisexual or trans individuals, sex workers, drug users, people living with HIV, or others) often face additional dangers.



Unfortunately, in an alarming number of countries, there are no specific mechanisms – such as a protection law, an institutional focal point, etc – in place to protect women defenders and those working on women’s rights and gender issues. In countries where such mechanisms do exist, they are often lacking gender-sensitivity, implementation or political will.

Until such a time when WHRD receive the specific protection and targeted responses to make the environment in which they operate a safer, more enabling and supporting one, WHRDs will continue to turn to international instruments and UN outcomes, such as General Assembly resolution 68/181, to establish the standards for their protection needs.

| Resolution 68/181

In November 2013, States at the UN General Assembly agreed by consensus that the protection of WHRDs was of paramount concern. With the involvement of WHRDs themselves, they articulated key elements for effectively addressing key concerns.

General Assembly resolution 68/181 is effectively a roadmap for how to make this a reality. It outlines some practical steps that States can undertake to ensure that the rights of WHRDs in their countries are respected and protected. It further calls on States to ensure an enabling environment for WHRDs to conduct their work safely.

It is important that this resolution does not remain in the vaults, so we have summarised its key elements in the hope that WHRDs will take them up in their work and for States to be reminded of their obligations.

While General Assembly resolutions are generally not considered legally binding on member States, they may reflect or incorporate elements of binding law. Moreover, States do have an obligation to cooperate in good faith with the UN to advance the promotion and protection of human rights, with resolution 68/181 providing authoritative guide to States in that regard.

WHRDs may reference and use this resolution in a variety of ways, for instance:

- to inform policy development and advocacy
- in the course of legal submissions and judicial advocacy
- as a tool to aid the interpretation and application of relevant international and national laws
- in media advocacy
- as part of human rights trainings



Enable WHRDs to engage in human rights work

- The resolution states that human rights promotion and protection should not be criminalised or met with limitations in contradiction to international standards. WHRDs should not be denied their rights because of their work
- This is firmly articulated in the UN Declaration on Human Rights Defenders (the Declaration), and States are urged to promote, translate and give effect to this declaration, including by taking robust and practical steps to protect WHRDs
- In line with the Declaration, the resolution stresses the important role WHRDs play in addressing human rights violations, combating impunity, fighting poverty and discrimination and promoting access to justice, democracy and full participation of women in society
- It further states that WHRDs should be able to participate in peaceful protests and that no one may be subject to indiscriminate and excessive use of force, arbitrary arrest or detention, torture, enforced disappearances, judicial harassment
- WHRDs in certain contexts face restrictions to their activities on the basis of preserving so-called 'public morals'. This includes the trend of judicial harassment against WHRDs working on sexual and reproductive health and rights on such grounds
- The resolution specifically calls for all legal provisions, administrative measures and policies affecting WHRDs including those aimed at preserving 'public morals' to be clearly defined, determinable, non-retroactive and compatible with international human rights law

Ensure participation of WHRDs in public and political life

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- WHRDs should enjoy equal participation, full involvement and leadership in society, including in the defence of human rights
- Participation of WHRDs is important in the development of effective policies and programmes related to WHRD protection
- States should create and strengthen means and mechanisms for consultation and dialogue with WHRDs within public administration and national institutions



3

Recognise WHRDs and their work

- The resolution calls on States to publicly acknowledge the important and legitimate role of WHRDs in the promotion and protection of human rights, democracy, rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against WHRDs
- Recognition of WHRDs goes a long way in addressing the stigma of their work and their roles in society. Governments should pursue ways to provide general recognition of WHRDs for instance through partnerships with WHRDs on national policies and programmes, engaging with media on the issue, creating human rights prizes for WHRDs, etc

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Strengthen and systematise documentation of violations

- Violations against WHRDs are largely under-reported. This may be due to lack of access and awareness of mechanisms for reporting abuses, as well as persistent discrimination that creates barriers to such institutions
- Documentation has the power to show evidence-based trends and tell stories of the situation of WHRDs, and importantly can inform the type and nature of remedies and protection that are required
- The resolution calls on States to support projects to improve monitoring and documentation of cases of violations against WHRDs, as well as to provide adequate support and resources for the protection of WHRDs, including to relevant government agencies, national human rights institutions and civil society, including national and international non-government organisations

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Prevent and protect WHRDs from reprisals for engaging with the UN

- In recent years, an alarming number of human rights defenders have been subject to threats, intimidation, harassment and attacks in an attempt to restrict their access and engagement with the UN
- The resolution calls on States to refrain from and ensure adequate protection from intimidation or reprisal against WHRDs who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates



Involve women in peace and security

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- The resolution calls on States to implement the eight UN Security Council resolutions that make up the Women, Peace and Security Agenda, including Security Council resolution 1325 which was the first in addressing the disproportionate and unique impact of armed conflict on women
- The Women, Peace and Security Agenda is considered by WHRDs as having transformative potential to escape cycles of conflict, while creating inclusive and more democratic peacemaking through gender justice
- Women's agency, voice, and capacities are critical to ensure better policies and more equitable peace deals

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Ensure gender-sensitive remedies to WHRDs

- The resolution provides concrete recommendations on specific remedies States must undertake to address violations faced by WHRDs
- It calls on States to develop and implement comprehensive, sustainable, gender-sensitive public policies and programmes that support and protect WHRDs which are adequately resourced and able to be mobilized in a flexible and timely manner
- Protection should be extended to relatives including children, taking into account the role of many WHRDs as the main or sole caregivers in their families
- The effective participation of WHRDs in all initiatives must be guaranteed, including transitional justice processes. This is important to secure accountability for violations and abuses, and also ensuring that the guarantee of non-recurrence incorporates overcoming the root causes of gender-based violations and abuses
- Furthermore, adequate access to comprehensive support services is important for those WHRDs who experience violence, including shelters, psychosocial services, counselling, medical care and legal and social services
- WHRDs who are victims of sexual and other forms of violence should be attended to by adequately trained and equipped personnel with gender sensitivity and expertise and be consulted during each step of the process
- WHRDs should be able to avoid situations of violence, including by preventing the occurrence or recurrence of such violence in the exercise of their important and legitimate role in accordance with the present resolution



Combat impunity and seek accountability for perpetrators

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- The resolution calls upon States to exercise due diligence in preventing violations and abuses against human rights defenders. This includes through practical steps to prevent threats, harassment and violence against women human rights defenders, who face particular risks.
- It also calls on States to combat impunity by ensuring that those responsible for violations and abuses, including gender-based violence and threats against women human rights defenders, committed by State and non-State actors, including online, are promptly brought to justice through impartial investigations



| What next?

The protection of human rights defenders, including WHRDs, is connected to the security of the communities they work within and/or are a part of. Thus, their protection and security can only be fully achieved through deepening democracy, combating impunity, eliminating economic inequalities, and striving for social and environmental justice.

Nonetheless, governments can take a number of immediate concrete steps to contribute towards better protection of WHRD in their country. In each of their endeavours, governments must ensure that the genuine participation of WHRDs informs their initiatives and that they are central to any processes involving laws, policies and programmes related to their situation.

Governments should:

Strengthen legislative frameworks

- Enact a law that explicitly recognises human rights defenders and their work, and provides for protections based on national contexts. Such laws should take into full account the specific challenges that women defenders face and their specific protection needs (See ISHR's 'Model Law' online for further information and guidance)
- Review and reform legislation that impedes, restricts and criminalises the legitimate work of human rights defenders, including women human rights defenders, in line with international human rights standards
- Review legislation that discriminates against women and that is specifically targeted at women, including domestic violence laws, public morality laws, etc, and when required, amend it to ensure it is in keeping with international human rights standards

Strengthen national human rights institutions

- Capacitate and resource national human rights institutions to independently and systematically monitor and document instances and nature of violations against WHRDs
- Ensure that national human rights institutions and relevant government agencies integrate a gender dimension into all programmes and other interventions related to human rights defenders

Support WHRDs

- Promote and give effect to the UN Declaration on Human Rights Defenders among all government agencies, law enforcement offices and public administration

| The WHRD toolkit grows!

This year, a number of important developments add to existing tools and resources for WHRDs. There is nothing more informative than the experiences of other WHRDs.

Developing standards for WHRD protection in Africa

A landmark resolution adopted at the African Commission on Human and Peoples' Rights (African Commission) in February highlights that WHRDs in Africa face particular barriers and risks when engaging in human rights work. It calls on States to:

- end impunity by adopting specific laws and measures to protect the work of human rights defenders while particularly recognising and addressing the specific protection needs of WHRDs;
- to ensure greater consultation with WHRDs on the responses required to address the violations and discrimination they face;
- to train the judiciary, public security and other relevant authorities on the specific risks and protections for WHRDs;
- and to periodically report back to the African Commission on the progress made in these areas.

Entitled *Resolution 336 on Measures to Protect and Promote the Work of Women Human Rights Defenders*, the resolution is an important part of follow up to the African Commission's report, *The Situation of Women Human Rights Defenders in Africa*, which was adopted in April 2015. This study concluded that the general legal framework in many African countries for the protection of WHRDs is 'inadequate'. It indicates that as a first step towards combating impunity for widespread violence, attacks, threats and harassment against WHRDs and their organisations, families and affiliates, existing laws in many African countries need to be made compatible with international and regional human rights standards. It articulates a comprehensive set of recommendations for States, national human rights institutions, civil society and the African Commission itself.

Protecting WHRDs in Côte d'Ivoire

The Law on the Promotion and Protection of Human Rights Defenders was adopted by Côte d'Ivoire's National Assembly in 2014. The groundbreaking law includes in Article 9 a provision on the protection of WHRD. In February, WHRDs in Côte d'Ivoire sought to unpack this provision, through an accompanying commentary to the law, to fully articulate the rights of WHRDs and what States need to do to comply with their obligations as such. This includes obligations to prevent violations against WHRDs, provide gender-specific remedies and redress, as well as articulating the duties to investigate and punish perpetrators. WHRDs in Côte d'Ivoire are now working with the Government to ensure that this commentary is incorporated into a decree for its effective implementation.

Gendering Documentation: A Manual For and About Women Human Rights Defenders

A landmark new manual for and about WHRDs was presented by the Women Human Rights Defenders International Coalition at this year's session of the UN Commission on the Status of Women in February. The manual *Gendering Documentation: A manual for and about Women Human Rights Defenders* provides WHRDs with the tools to document their experience and that of colleagues, and aims to generate awareness about violations and abuses against defenders and supporting demands for human rights change. It outlines that documentation can have many purposes, including creating public awareness and mobilising people to push for social change. It can also be channeled towards human rights mechanisms in a bid to seek recognition, justice and accountability. Documenting violations against WHRDs can have specific advocacy objectives, including more effective gender specific protection measures for WHRDs.

The full text of UN General Assembly resolution 68/181 can be found in the following official UN languages: English, French, Spanish, Arabic, Chinese, Russian.

Visit the following website for copies:

<https://www.ishr.ch/news/new-guide-recognising-and-protecting-women-human-rights-defenders>

ISHR warmly thanks People's Watch, Ivi Oliveira and Valentine Karugaba for providing unofficial translations of the resolution in Tamil, Portuguese and Swahili which are also available at the URL above.



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