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# **WOMEN HUMAN RIGHTS DEFENDERS**

Insights from the  
Struggle

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Working Paper Series Number 7: November 2019



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FORUM-ASIA Working Paper Series: Asian Perspectives on International Human Rights Landscapes

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Women Human Rights Defenders: Insights from the Struggle

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# Preface

Women Human Rights Defenders (WHRDs) have long played a central role in the advancement of human rights. In the fight against impunity and repression, WHRDs have been among one of the most vocal in calling for human rights to be protected and upheld. In recent years, WHRD-led movements have particularly gained traction. Their relentless work calling for justice has, however, exposed them to serious risks and threats.

The types of violations – including judicial harassment, intimidation and threats, and violence – perpetrated against WHRDs bear similarities to forms of harassment made against other groups of defenders. Yet, WHRDs additionally face gender-based abuses: physical violence, discrimination and stigmatisation that are often carried out by members of their families and communities who view their human rights involvement as the subversion of established social and cultural norms. Increasingly, online gender-based attacks have also become rampant.

In this context, the new working paper series of the Asian Forum for Human Rights and Development (FORUM-ASIA) aims to put WHRD's perspective at the centre, exploring personal reflections and case studies on how they are experiencing and promoting human rights in an increasingly challenging context.

Ongoing struggles of WHRDs in Kyrgyzstan, Nepal, as well as the coordinated actions of women garment workers advocating for their rights in Cambodia and the testimonies collected by the University of York, showcase the need for stronger support and protection mechanisms, taking into account psychosocial wellbeing. At the same time, reflections on progress made 25 years after the adoption of the Beijing Platform for Action, and the advances and developments within the United Nations system indicate that a vibrant civil society is vital for WHRDs' protection.

The protection of human rights defenders (HRDs) and particularly WHRDs is a key priority of FORUM-ASIA, along with the protection of civic space, the promotion of a human rights based approach to sustainable development, and the strengthening of human rights mechanisms, systems and policies at the national, regional and international levels – all principal subjects of FORUM-ASIA's previous working papers. If HRDs and WHRDs are not provided with an enabling environment, the work in other priority areas is going to suffer, with the protection of civic space, for example, depending on the vitality of WHRDs on the ground.

Through this 7<sup>th</sup> working paper, FORUM-ASIA strives to amplify the voices of WHRDs across Asia and develop an advocacy tool for their increased protection and support from both state and non-state actors. In line with previous editions, this working paper also aims to foster research and knowledge, bringing together theory and practice. Advocating

for the promotion and protection of civic space and sustainable development is only possible when defenders are protected and empowered.

**Mukunda Kattel**

**Executive Director (Interim)**

**Asian Forum for Human Rights and Development (FORUM-ASIA)**

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# Defending Rights, Demanding Justice: Reflections on the WHRD Movement in Asia

*Syme de Leon, Sejin Kim\**

## **Abstract**

*Women human rights defenders are targeted both for who they are and what they do. Through a series of interviews, as well as previous engagements with women human rights defenders in the region, the authors reflect on the defenders' situation in the past and present in Asia. Looking at the persisting challenges, but also progress made and ways forward, the chapter identifies concrete areas of improvements and action points for better support and protection of women human rights defenders.*

## **Introduction**

In the beginning of the decade, one of the most enduring themes that came up in the Asian Forum for Human Rights and Development (FORUM-ASIA) discussions with defenders on the topic of women human rights defenders (WHRDs) in Asia<sup>1</sup> was the rampant threats they faced – both for their work and identity. It was noted that while WHRDs were commonly subject to the same threats as other defenders — including judicial harassment, intimidation and physical violence — they were additionally subject to gender-based attacks, including rape, sexual exploitation and (dis)honour killings. Moreover, WHRDs were also vilified, stigmatised and discriminated against often by their own families and

communities. This primarily stemmed from the patriarchal norms and cultures in the region, wherein women who worked in defense of rights were seen as challenging socially accepted gender expectations and structures, and were treated with hostility on the basis of this. In response, a key action point commonly made in fora and consultations was to acknowledge the specific needs and concerns of WHRDs, work towards their protection, as well as work towards the creation of more spaces for them to strengthen their capacity and network.<sup>2</sup>

This chapter aims to reflect on the situation of WHRDs in Asia in the past and present, from the perspective of WHRDs themselves. Drawing from our previous engagements with WHRDs in Asia, and a

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series of interviews conducted with seven WHRDs from August to September 2019, with an age range of 20s to 60s, coming from Bangladesh, Mongolia, Myanmar, Pakistan, Philippines and Thailand, this chapter aims to explore questions around how WHRDs experience the situation in Asia today: What progress has been made in their movement? What challenges persist? And what action points should we, as members of the human rights movement, be making to better support and protect WHRDs today?

## **Trends of threats and harassment against WHRDs**

It remains as true today, as it was a decade ago, that WHRDs are targeted both for who they are and what they do. Yet the nature of attacks has become more systematic. In our interviews with WHRDs, some of the common phrases used to describe the situation of WHRDs today was ‘worsening’ and “deteriorating”, with some even noting that there are ‘more threats than ever before’. In 2017–2018, FORUM-ASIA recorded 126 cases of violations against WHRDs across 14 countries,<sup>3</sup> making them one of the most targeted groups of defenders in the region.<sup>4</sup>

Our data and interviews with WHRDs reflect that judicial harassment continues to be one of the most common violations perpetrated against WHRDs. 58 out of the 126 (i.e., 46%) recorded cases of violations against WHRDs involved the use of judicial harassment. WHRDs are

arbitrarily arrested, detained, imprisoned and are subject to mounting charges, which are oftentimes baseless, false or otherwise imposed through the use of repressive laws. This tactic of criminalisation functions to frame WHRDs as criminals, and hinders them from conducting their work by forcing them to invest their time and energy facing charges. To exacerbate matters, lawyers who assist WHRDs are often subject to harassment themselves, leaving WHRDs with little recourse to access justice.

The vilification of women also remains prevalent. False narratives about WHRDs as ‘anti-state’, ‘terrorists’ or ‘enemies’ being paid to spread ‘western ideologies’ remain widespread. Moreover, as women, WHRDs are additionally positioned as ‘bad women’ – bad wives, mothers, sisters and daughters – for refusing to remain silent in the face of injustice. As noted in our interviews, there continues to be a narrow view of women as people whose role is limited to care work, and who are associated with notions of passivity and obedience. Stepping out of this role by standing up for themselves or speaking out against abuses, results in WHRDs being seen as subverting norms and therefore deserving of certain violations. This narrative has become more pervasive in recent years with Asia seeing a rise in authoritarian governments, corporate power, militarisation, as well as fundamentalism that has created a discourse that normalises violence against minoritised groups such as women. The systematic vilification of WHRDs has also

been facilitated by the rise of social media where WHRDs have reported receiving hate messages, and being tagged in posts that are circulated to thousands that use misogynistic languages and images to discredit them, incite hatred towards them, and threaten their family.

WHRDs working in defence of land and environmental rights are the most targeted group for threats and harassment. Out of the 126 cases of violations against WHRDs we recorded, at least 35 land and environmental defenders were targeted, most commonly by state and non-state actors seeking to exploit natural resources and implement development projects at the expense of these communities and the environment.<sup>5</sup> According to our interviewees, this trend has worsened in the last few decades as the influence of corporations and industries such as mining, logging and agribusinesses grow stronger in the region, supported by an economic model that prioritises economic growth above human rights.

The mounting harassment WHRDs face poses severe threats to their safety and wellbeing. Evidently, WHRDs work under severely hostile conditions where they are constantly attacked both for their work and their gender identity. In addition to this, WHRDs also face stress associated with their socially ascribed roles as women who are expected to perform unpaid domestic and reproductive work for their families and communities, as well participate in productive work to support their dependents. WHRDs

therefore face multiple burdens. As noted in our interviews, being a WHRD in Asia often means witnessing and experiencing harassment daily, while at the same time working 14–17 unpaid hours for your family and community, and participating in the labour market where women are underpaid and overworked. Dealing with the hostility that comes with defending human rights and being structurally discriminated against – economically, socially and politically – takes a severe toll on the wellbeing of WHRDs.

## **Resistance on the rise: advancements in the WHRD movement**

Despite these concerning trends, there are many ways that the situation of WHRDs has progressed. In contrast to the beginning of this decade, for example, there is a greater recognition of WHRDs, their contributions and the specific violations they face. This was particularly emphasised by one WHRD in our interview, who said that in the past, discussions on HRDs tended to speak broadly about defenders; today, more specific focus is given to WHRDs and how their gender plays a role in the way they experience violations. Last year, for example, the United Nations Special Rapporteur on the situation of HRDs devoted a report specifically focused on discussing the gendered risks WHRDs face and the role they play in defending human rights.<sup>6</sup> This was the second edition of the report dedicated to the situation of WHRDs by the mandate holder.<sup>7</sup> Furthermore, the first resolution on protection of WHRDs

was adopted at the United Nations General Assembly (UNGA) in 2013.<sup>8</sup> Although it did not contain crucial paragraphs urging member states to condemn all forms of violence against women and WHRDs, its adoption signals a clear progress in terms of highlighting the situation of WHRDs, specifically. Additionally, while the development of new technologies has exposed WHRDs to new forms of harassment, it has also led to the creation of new platforms that have facilitated an increase in the coverage of WHRDs' stories being delivered to a wider audience.

Important strides have also been taken in developing networks of WHRDs. Several WHRDs interviewed spoke to us about the vibrant networks and coalitions of WHRDs that have been established in their countries – many of which they contributed to building – as well as those in the regional and international levels that they engage with. One example is the *Community-Based WHRD Collective In Thailand* that is composed of 17 groups of WHRDs from varying backgrounds joining together as one to realise their rights as WHRDs. This network is the first of its kind in Thailand to link grassroots WHRDs from various intersecting backgrounds, including, but not limited to WHRDs who are indigenous, disabled, sex workers, migrants, and pro-democracy defenders, from the ages of 20 to 70 years, from different parts of the country. At a regional level, WHRDs in Asia have also been developing a collective of WHRDs working in defence land and environmental rights, through an initiative called the *ReSisters*

*Dialogue*. Networks such as these are vital as they provide platforms for WHRDs to discuss their shared experiences, challenges and good practices, as well as find ways to collaborate. Moreover, as emphasised by one WHRD from Bangladesh, these networks are also important for ensuring the protection of WHRDs. Strong networks can facilitate rapid mobilisation in emergency cases, as well as provide a first line of defence against risks and threats.

It is crucial to note that the development of these networks is still in its initial stages. Much work remains to be done in further strengthening solidarity among WHRDs, ensuring these movements are inclusive of all WHRDs, especially those most vulnerable, and securing adequate resources to enable WHRDs within these movements to implement their own ideas. Nevertheless, the networks that have been established in Asia serve as “clear evidence of a rising resistance” by WHRDs worth commending.<sup>9</sup> As emphasised by a few of our interviewees, in a patriarchal context where women have traditionally been taught to depend on men instead of one another, the very fact that women have come together in solidarity as defenders is a victory. With new technologies offering opportunities for WHRDs across borders to be connected at an unprecedented scale, it is hoped that these networks only continue to grow.

Progress can also be seen in terms of strengthening the capacity of WHRDs. Several of our interviewees noted that

more WHRDs have a comprehensive knowledge of human rights systems and mechanisms established at national, regional and international levels, and are actively using them. Consequently, more WHRDs have gradually been undertaking positions of leadership within the human rights movement and beyond. WHRDs are also better capacitated to mitigate the risks they face than previously before. As emphasised by one WHRD in our interview, while previously WHRDs tended to prioritise their work at the cost of their safety, they have now become more aware of the specific threats they face as WHRDs, and have begun actively adopting and even developing security protocols and mechanisms to ensure their safety and wellbeing.

There are, for example, community-led relocation mechanisms that are being developed at a grassroots level to provide temporary relocation for WHRDs and their communities to use when they face attacks and are in need of refuge. There are also greater efforts being put into institutionalising wellbeing initiatives to address the psycho-social impacts of WHRD's work. In an interview with one WHRD, for example, she noted that while in the past her organisation and the communities they worked with tended to neglect their wellbeing, today it is increasingly treated as a priority. When organising events, for example, their organisation reserves a slot at the beginning of the event for WHRDs to simply vent – to share their experiences and burdens. Moreover, instead of

having their events last until late in the evening, they have made it a rule to end all sessions by the afternoon, and reserve the evening specifically for wellbeing and solidarity building. The communities with whom they work have become actively involved in organising these activities. While these may appear to be small steps, the very fact that in Asia 'women are acknowledging that there is a real threat and that...they have formulated their own...mechanism[s] to address this' in ways that are appropriate to their context and realities, is a huge leap to ensuring their protection.

## **What stops us from being stronger together?**

While significant progress can be seen, according to our interviews, there are several challenges that remain to be addressed to further advance the WHRD movement in Asia.

First of all, according to our interviewees, there is a need to ensure that WHRD movements remain vigilant about the inequality and power imbalances that may exist within their groups. One persistent issue highlighted is the lack of inclusion of the most vulnerable groups of WHRDs, such as those working at the grassroots or community levels. These groups tend to face several layers of challenges compared to WHRDs based in cities, capitals and the global North more broadly, who have greater access to platforms and support that can amplify their voices. Moreover, WHRDs who

face systemic discrimination not only on the basis of gender, but their race, citizenship status, physical disabilities or other factors, also face additional barriers that need to be accounted for. For instance, due to existing discriminatory attitudes and institutional barriers, women with disabilities face far more difficulties in actively engaging with the women's rights movement. They have been somewhat overlooked by their communities as well as by human rights movements despite facing extremely high levels of gender-based violence and sexual harassment. Moreover, existing protection mechanisms for WHRDs are not always accessible for women with disabilities due to the stigma related to disability.<sup>10</sup> It is crucial to include an intersectional approach in our human rights work by listening to the voices of all women. Doing so ensures these movements legitimately manifest the experiences, ideas and hopes of all women, with no one left behind.<sup>11</sup> With this in mind, more efforts need to be taken to ensure the inclusion of, for example, women with disabilities, women migrant workers, lesbians, transgenders, stateless, sex workers, indigenous, or women based farther from cities. Ensuring intersectionality in our work can lead to the development of a stronger and more diverse WHRD movement.

The provision of resources to support WHRDs who are more marginalised can play a key step towards achieving this. Figures show that only 0.3% of the overall funding for human rights went to support the rights of women with disabilities in

2014. In addition, only 1.5% of funding for women's rights covered women with disabilities.<sup>12</sup> This lack of access to resources serves as an additional deterrent for WHRDs to continue their work.

The need for more resources for WHRDs in general, however, was highlighted by many of the WHRDs we interviewed as an important issue to address for strengthening the WHRD movement as a whole. During our interviews, several WHRDs criticised the lack of funding for women-led organisations and urged international partners, donors and foundations to support WHRDs by providing them resources to implement their own ideas and long-term visions. According to a study by the Association for Women's Rights in Development (AWID), the average annual income of around 740 women's groups globally was just around US\$20,000.<sup>13</sup> Moreover, according to our interviewees, many WHRDs in Asia, particularly those working on a grassroots level, are not paid for their activism at all. This lack of sufficient funding and financial support has implications for the long-term success and sustainability of WHRD movements.

Apart from being underfunded, WHRDs have emphasised that there should also be more flexible funding available that gives due consideration to the realities WHRDs face on the ground. Generally, human rights funding often comes with certain restrictions of financial support as well as minimum requirements to receive funding (e.g. registered organisation, size

of budget, strict financial requirements and reporting, etc.). WHRDs recommend donors to be more flexible about the way they distribute grants, and the types of expenses and issues they cover, so as to ensure all WHRDs are able to benefit from it.<sup>14</sup> For example, WHRDs in our interview noted that receiving and maintaining funding tends to be more difficult for WHRDs who are working at a community level and who are not part of any structured organisation as they have less capacity to, for example, gather receipts for payments or provide detailed reports about their work.

Moreover, while most funds are generally focused on strictly providing support to WHRDs to mitigate direct threats they face, our interviewees emphasised the donor should be mindful of how WHRDs' level of security and wellbeing is shaped by several factors. A few of our interviewees mentioned that apart from threats and harassment, due to their socially ascribed role as the primary caregiver, WHRDs' security is oftentimes intricately linked to the safety and wellbeing of their family and community, and their economic stability. Funding, it was recommended, should be able to adopt and respond to the diverse and changing needs of WHRDs who face multiple burdens. Additionally, this flexibility should also enable WHRDs to carry out their work in a way that will allow them to decide their own agendas and ways to achieve their goals freely.

Another key challenge for strengthening the WHRD movement is finding ways to

ensure the protection of defenders' rights. The WHRDs we interviewed noted the importance of ensuring that States abide by the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly abbreviated as the "United Nations Declaration on Human Rights Defenders".<sup>15</sup> This declaration aims to provide support and protection for HRDs in the context of their work. It not only addresses States and the HRD community, but outlines that everyone has a role in promoting and protecting HRDs' human rights. Regrettably, as demonstrated by the grim human rights situation for HRDs in Asia, most Asian states have failed to fulfil their commitment to protect the rights inscribed in the declaration. WHRDs have emphasised more action needs to be taken to ensure States adhere to the UN declaration as well as other international human rights laws and standards.

The State's commitment to provide protection measures under the domestic legal framework is equally crucial. Findings from our interviews and FORUM-ASIA's research indicate that existing domestic laws and policies are not providing adequate protection for HRDs in Asia. This was pointed out by the WHRDs who we interviewed, and highlighted that existing domestic laws and policies do not protect them, instead are used against them to silence their voices. Therefore, a comprehensive and robust law or policy designed with the specific

purpose of giving HRDs legal recognition and providing them with meaningful protection is needed. Such a law should also particularly address the protection needs of vulnerable groups of HRDs such as WHRDs.

The challenges that WHRDs face are multi-faceted, and as such a holistic approach to addressing them - from funding issues to lack of legal protection as well as recognition of wellbeing for WHRDs - is crucial.

## **What the human rights community can do: the path ahead**

As members of the human rights community, we all have a responsibility to support WHRDs working in hostile contexts. Their reflections and key suggestions outlined below are crucial for us to consider in crafting our collective action.

### **Stronger solidarity networks and coalitions**

Solidarity networks are essential to WHRDs, both to help them continue their work and find new ways to respond to their struggles.<sup>16</sup> From our interviews with WHRDs, they stressed that it is important to provide WHRDs with safe spaces for discussion and exchanges. This venue is crucial for WHRDs in terms of establishing a common ground, strategising together, as well as learning from and supporting one another. These solidarity networks can also function as protection mechanisms for WHRDs in risky situations, allowing them to

rely on groups for assistance. Additionally, WHRDs also reiterate the important role of these networks as a bridge between grass-root and national WHRDs to regional and international mechanisms.

When developing these WHRDs' solidarity networks, it is vital to recognise that these should be built and led by WHRDs themselves. WHRDs know what is best for them and how to most effectively implement their own ideas and strategies. This means that if there are existing initiatives established by WHRDs, priority should be put on investing on these, rather than creating new ones that may potentially duplicate existing work and compete with other groups for limited resource.

### **Holistic protection mechanisms and improved support to WHRDs**

It is necessary to ensure that the idea of the 'holistic web of safety' is adopted when providing protection to WHRDs at risk. This idea espouses that the four pillars – economic and sustainable livelihood, legal and political security, health and wellbeing, and social and cultural support—should be included when developing and implementing protection measures for WHRDs. For instance, while it is important to have a robust pool of lawyers dedicated to providing help to WHRDs facing judicial harassment who could not otherwise afford it, it is also equally important we account for the needs of women in terms of wellbeing,

and economic and sustainable livelihood, as they face those charges. Moreover, while it is crucial to have mechanisms that protect WHRDs from direct threats, it is also vital to ensure these mechanisms consider women's social roles as wives, sisters, mothers and daughters, the expectations that come with these roles, and its impact on the way women experience safety and security. Adopting this more holistic approach to security has been emphasised even by the Special Rapporteur on HRDs' report on WHRDs in 2019, where he stressed the importance of ensuring protection of: physical safety, digital security, environmental security, economic stability, the freedom to practice cultural and religious beliefs and the mental and emotional wellbeing of WHRDs and their family members.

Furthermore, it is important to increase the flexibility of funding, by providing more funds for unconventional arrangements that adapt to the contextual realities of women, and ensuring regulations for funds are not inaccessible to the most marginalised groups of WHRDs. This might mean, for example, making more funding available to support different aspects of the web of safety that have traditionally been underfunded, such as economic and sustainable livelihood, and cultural and social support; or developing less rigorous processes to receive and maintain funds.

In addition, one WHRD also mentioned that increasing the visibility of WHRDs is an important part of ensuring the protection of WHRDs. Human rights

groups should invest in raising awareness on the work of WHRDs and the specific challenges they face, especially with the general public. In an environment where negative narratives against WHRDs are on the rise, we as human rights groups should ensure that our message includes equal and meaningful participation of WHRDs at every level, tackling structural notions and expectations of gender, gender roles and sexuality, and eliminating prejudices against WHRDs. This could further have a positive impact on challenging the dominant patriarchal systems at the root of the issue.

### **Gender mainstreaming and the adoption of a feminist analysis in our work**

Although it has long been recognised that WHRDs are targeted not just for what they do but who they are, important steps still need to be made in ensuring our work reflects this reality. It is crucial that every level of our work adopts a feminist framework that considers the structural and systemic barriers – such as militarisation, fundamentalism and globalisation – that limits women from realising the full scope of their human rights. This does not require us to take big leaps or use excessive resources. As one WHRD from our interview noted, we can and should “start from our own home... [by] looking at the support we give to women in our office” and ensuring these reflect the values we uphold. This could involve developing the relevant policies on gender, such as a policy on

sexual assault, gender based harassment and anti-discrimination; providing women with maternity leaves and encouraging men to take paternity leaves; ensuring the provision of conducive working hours for caregivers; and conducting knowledge sharing on issues related to gender in offices to facilitate the development of a gender-friendly work culture.

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## Endnotes

1. Given that FORUM-ASIA is a membership based organisation, Asia in this chapter refers specifically to Asian countries where FORUM-ASIA has a member. For a full list of our members, see [https://www.forum-asia.org/?page\\_id=4001](https://www.forum-asia.org/?page_id=4001)
2. On this matter, see FORUM-ASIA, Proceedings of the 4th Regional Human Rights Defenders Forum, 2011, available at <https://forum-asia.org/documents/HRDF4%20Proceedings.pdf>
3. This includes Bangladesh, Cambodia, China, India, Indonesia, Malaysia, Maldives, Pakistan, Philippines, Singapore, Sri Lanka, South Korea and Vietnam.
4. Considering the pervasive nature of violations against WHRDs, many of which go unreported, it should be noted that the number of total violations against WHRD is likely higher than the one mentioned here. For more details, see FORUM-ASIA, Defending in Numbers – Resistance in the Face of Repression, 2019, available at <https://www.forum-asia.org/uploads/wp/2019/05/DEFENDING-IN-NUMBERS-2019-FINAL-ONLINE-1.pdf>
5. This figure also likely under-represents the number of violations against of land and environmental defenders. As many land and environmental defenders are both geographically and socially marginalised, violations against them tend to be underreported.
6. For the full report, see UN General Assembly, Situation of human rights defenders, A/74/159, 15 July 2019, available at <https://undocs.org/en/A/74/159>
7. For the full report, see UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/16/44, 20 December 2020, available at <https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-44.pdf>
8. For the full resolution, see UN General Assembly, Resolution adopted on 18 December 2013, A/RES/68/181, 30 January 2014, available at [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/68/181](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181)
9. This draws from a direct quote from our interview with a WHRD from Thailand.
10. DisabilityRightsFund, ChannelFoundation, Supporting Inclusive Movements: Funding the rights of women with disabilities, available at [https://gallery.mailchimp.com/f2809c9de00c5e85f5b8680cd/files/da8ea054-f908-4629-88ca-1643e680c27d/5.\\_Supporting\\_inclusive\\_movements\\_web.pdf](https://gallery.mailchimp.com/f2809c9de00c5e85f5b8680cd/files/da8ea054-f908-4629-88ca-1643e680c27d/5._Supporting_inclusive_movements_web.pdf)
11. Ibid.
12. Ibid.

13. Association for Women's Rights in Development (AWID), Beyond Investing in Women and Girls: Mobilizing Resources, 19 February 2014, available at <https://www.awid.org/publications/beyond-investing-women-and-girls-mobilizing-resources>
14. Mamacash, Women- and Trans-Led Organisations Respond to Closing Space for Civil Society, 2017, available at [https://www.mamacash.org/media/publications/mc\\_closing\\_space\\_report\\_def.pdf](https://www.mamacash.org/media/publications/mc_closing_space_report_def.pdf)
15. United Nations 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, 1999, available at <https://www.ohchr.org/documents/issues/defenders/declaration/declaration.pdf>
16. Ibid.

# Kyrgyzstan: Women Human Rights Defenders, their Role and Prospects

*Tolekan Ismailova, Aida Baijumanova, Lira Asylbek\**

## **Abstract**

*Since the country's independence, women human rights defenders in Kyrgyzstan have faced an increasing number of threats and violations. From judicial harassment to physical attacks, women defenders in the country are targeted for speaking out against injustices and calling out human rights violators. This article highlights how despite all challenges, thanks to strong coordinated networks and solidarity actions, women human rights defenders in Kyrgyzstan remain at the forefront in defending human rights and exposing violations.*

## **Overview**

On 31 August 2019, the Kyrgyz Republic celebrated 28 years of its independence. Throughout these years, the role of women human rights defenders (WHRDs) has been unique; they have contributed to the struggle for the rights and freedoms of citizens in the post-Soviet country, and laid the foundations for the development of democracy and equal participation of citizens in decision-making at all levels of the Government. Citizens' initiatives to develop civic education, the development of new independent associations and peaceful assemblies, and public discussions and civic forums aiming to solve socially significant problems, supported

Kyrgyzstan's transition from being a post-Soviet nation state to a democratic one. The first non-governmental organisations (NGOs) in the Kyrgyz Republic were 'UKUK' (led by Mirgul Stamaliev), the International Center 'INTERBILIM' (led by Asiya Sasykbaeva), the Human Rights Bureau (led by Natalya Ablova), and the NGO Forum of the Kyrgyz Republic (led by Tolekan Ismailova). After the adoption of the Law on NGOs, various non-commercial organisations (NCOs) were established to promote the development of democracy and protection of human rights and freedoms in the Kyrgyz Republic.

The Human Rights Movement (HRM) Bir Duino-Kyrgyzstan, from the moment it was

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\* *Women human rights defenders, HRM Bir Duino-Kyrgyzstan*

created, made the issue of protecting the rights of HRDs and WHRDs and expanding the political space for their activities a special priority. To ensure these rights, we deploy various mechanisms and tools to protect HRDs and WHRDs at the national and international levels:

- We actively use advocacy campaigns; send appeals on violations against the public to state bodies and address them to top officials of the state; send appeals to international mechanisms of the United Nations (UN), Organization for Security and Co-operation in Europe (OSCE) and international human rights organisations, in cases of pressure and harassment, arrests and detentions.
- We organise peaceful protests, demonstrations and marches to attract special attention of the public and authorities in case of rights' violations.
- We use judicial protection mechanisms, involving professional advocates and experts in defense when our rights to peaceful rallies and assemblies, and freedom of association are limited, and when there are allegations of unlawful acts, including extremist activities made against us. Bir Duino uses widespread advocacy and lobbying tactics to attract international human rights organisations and experts and organises monitoring of trials with the participation of HRDs and WHRDs and representatives of international organisations, involving the beneficiaries in public support.
- We began to actively interact with the Government, involving official representatives in our activities, participating in events and taking part in preparing reports and offering its expertise on international mechanisms.
- We interact with international human rights organisations and human rights protection networks such as the Asian Forum for Human Rights and Development (FORUM-ASIA), the International Federation for Human Rights (FIDH), Front Line Defenders, Civic Solidarity Platform, and Women Learning Partnership, who contribute to the protection and promotion of the rights of persecuted HRDs and WHRDs at the international level, and organise campaigns in support of international advocacy and urgent appeals.
- We set up supporting funds for HRDs and WHRDs for physical and psychological wellbeing and, rehabilitation, as well as emergency relocation and legal protection.
- We pay close attention to improving the knowledge of HRDs and WHRDs with the support of organisations like the Prague Centre for Human Rights, Front Line Defenders, and York University Human Rights Research Centre, on safety and security through networking and conducting security trainings for the organisation's staff and partners, both in Kyrgyzstan and abroad.

## **Harassment of HRDs and WHRDs during the term of the first President Askar Akayev**

Kyrgyzstan was considered a beacon of democracy in Central Asia. With the closed conclusion of the agreement between the Government of the Kyrgyz Republic and the Kumtor gold mining company under the ruling of the First President Askar Akayev, the authorities initially attempted to discredit HRDs and civilian activists, most of whom were women. Their demands were transparency and equal participation in decision-making at all levels of the government, since the country's subsoil belonged to the people in accordance with the Constitution of the Kyrgyz Republic.

As soon as the Canadian gold mining company Kumtor Centerra started working in Kyrgyzstan, the political environment for NGOs began to narrow down and human rights activists, especially women, were persecuted by law enforcement agencies, including the national security services. From the start, HRDs and WHRDs were defamed and labelled as "foreign agents", accusing them of misappropriating grants, all while misleading articles appeared in the media. Through legislative mechanisms, amendments to laws regulating civil and political rights of citizens were adopted, in particular the right to peaceful rallies and meetings, freedom of speech and association. But this did not prevent WHRDs from being

detained for participating in peaceful actions and demonstrations.

During the presidency of Akayev, WHRDs who demanded respect for civil and political rights of citizens, transparency of elections, and end to corruption in the state bodies, were particularly targeted. This resulted in the growing influence of the NGO sector within the Kyrgyz political sphere that prompted authorities to further control NGOs. For example, the Government has successfully created and supported the so-called 'pocket' NGOs which positively supported all Government's decisions, reported on positive changes taking place in the Republic at international fora, and opposed any criticism coming from their colleagues in the sector. These 'pocket' NGOs served as a good imitation of civil society involvement in decision-making.<sup>1</sup>

### **Restriction of freedom of speech and prosecution of WHRDs requiring transparency and security of the activities of mining companies in Kyrgyzstan**

The journalists Zamira Sydykova and Tamara Slashcheva were arrested for demanding information regarding the agreement between the Government of the Kyrgyz Republic and the Canadian company Kumtor Centerra. In 1995, Zamira Sydykova published a number of critical articles in a newspaper accusing the head of Kyrgyzaltyn group of gold mining companies of stealing the country's gold reserve. According to

the verdict of the Pervomaisky District Court of Bishkek on 23 May 1997, she was sentenced to 1.5 years in prison and 6 months of corrective labour with a deduction of 20% of the salary. Together with her, three more journalists were convicted: Alexander Alyanchikov, Marina Sivasheva and Bektash Shamshiev.<sup>2</sup>

In 1999, Kaliya Moldogazieva, director of the Institute for Environmental Protection was dismissed from her post after publishing an article in the Vecherny Bishkek newspaper on the pollution of the Issyk-Kul Lake resulting from the activities of the company Kumtor Operating. The persecution of Moldogazieva continued after she founded the Tree of Life PF, when the Government launched a campaign to discredit her findings and her specialist status. She was attacked by the government-linked media for her interviews on extractive industry issues, in particular how the Government protects these companies from NGO investigations, and the companies' non-compliance with environmental standards.<sup>3</sup>

### **Persecution for advocating for the respect of citizens' civil and political rights**

During Akayev's term, an association of government-organised non-governmental organisations (GONGOs) and NCOs was created to oppose the activities of WHRD Tolekan Ismailova and the NGO Coalition for Democracy and Civil Society (Coalition). They tried to duplicate the activities of the Coalition and implement the policy of

the President Akayev. For the first time, the Government launched a large-scale campaign against independent observers of the Coalition, calling them foreign spies after announcing the monitoring results of both presidential and parliamentary elections since 2000, and using hate speech through controlled media, TV and radio. This campaign was large-scale and particularly targeting Tolekan Ismailova, founder and elected President of the Coalition.

On 13 March 2001, Tolekan was attacked by an unknown person when she was leaving her home. She was hit on the head and lost consciousness. There are allegations that authorities specifically targeted Tolekan to intimidate and force her to stop promoting human rights. No one was arrested or brought to trial due to this incident. As the Coalition actively monitored the holding of the presidential election, it was stated that their protests for not being allowed to visit polling stations, as well as their statements on serious electoral irregularities, were the reasons for the Government to persecute organisations within the Coalition. In June 2000, the Ministry of Justice stated that since the Coalition was not registered as a public association, hence it could not receive funds from abroad to support its activities.<sup>4</sup>

In 2004, Tolekan, in her capacity as head of the Civil Society Against Corruption Public Organization (CAC) and Diana Makenbaeva, the organisation's lawyer, organised a series of civil fora in the Issyk-

Kul oblast<sup>5</sup> against the illegal transfer of land to China. The security forces surveilled the fora while aggressive groups of men threatened and attempted to attack HRDs and WHRDs who were left without the protection of law enforcement agencies and the support of partner organisations.

On 10 January 2005, Tolekan, Natalya Ablova, journalist Zamira Sadykova and opposition politicians found bright orange dollar signs on the walls of their houses, plus their names: “\$ + TIA”, “\$ + Ablova”, and “Down with the orange dollar opposition!” After the events in Ukraine<sup>6</sup>, the orange colour has become a kind of a symbol of the opposition. Tolekan Ismailova recalls: “I think this is done with the aim of stopping our political activity and putting pressure on us. I demand that the perpetrators be found and punished, since their actions are a violation of public order and psychological pressure on dissidents.”<sup>7</sup>

## **Harassment of HRDs and WHRDs during Kurmanbek Bakiev’s presidency**

On 24 March 2005, as a result of the revolution, a change of power took place in Kyrgyzstan, with President Akayev forced to flee the country. The opposition nominated Kurmanbek Bakiev who was later elected President. The change of power took place with the participation of criminal groups, and led to their merger, with hostile take-overs of businesses. Bakiev gradually focused on strengthening his personal power, expanding the family-clan system, and promoting relatives

and close ones to political positions and business structures.

Large-scale repression against political opponents intensified in the country: the media were under pressure, even the popular radio stations Azattyk and BBC (British Broadcasting Corporation) began to close, together with several local independent newspapers. Murders of prominent political figures and wellknown independent journalists were left without investigation.

The political sphere was completely dominated by the pro-Government Ak-Jol party that occupied most of the seats in the Parliament. In 2007, two laws – the Constitution of the Kyrgyz Republic and the Code of the Kyrgyz Republic “On Elections in the Kyrgyz Republic” – were immediately submitted to a referendum. These were restricting the rights of citizens and received a negative assessment by the Venice Commission of the Council of Europe. The Parliament was kept away from civilian control and participation. It became an instrument of the ruling regime. The police institute, without being occupied with functional duties, practically became a political tool for controlling activists and political opponents. The election processes were under the control of the security forces and the police, and this caused discontent among ordinary citizens and intensified conflicts. Citizens’ demands for access to information and peaceful rallies were brutally suppressed, and the number of politically repressed

activists and politicians in prisons was growing. Human rights activists, including WHRDs, fell under special pressure.

### **Accusations of WHRDs in overthrowing the government and opposing the government initiatives**

After the November 2005 rallies, members of the Movement for Reforms, WHRDs and leaders of NGOs, Asiya Sasykbaeva, Cholpon Dzhakupova and R. Kadyrova were targeted by the National Security Service and the General Prosecutor's Office. The Security Service said they had a diskette with recorded statements of movements of activists inciting to overthrow the current Government.

In a similar fashion, WHRD Aziza Abdirasulova was prosecuted by law enforcement bodies under the article 'Hooliganism' for carrying out rallies and actions against Kyrgyzstan's status of Heavily Indebted Poor Country (HIPC).

### **Harassment of WHRDs advocating environmental safety and demanding extractive companies to be transparent**

The sisters Erkingul and Bakhtygul Imankojoeva were prosecuted by the authorities for speaking out against the Canadian gold mining company Kumtor Centerra, demanding transparency of its activities and promoting the interests of local residents affected by leaking of cyanide caused by the company's

factory in 1998. Bakhtygul Imankojoeva who worked as a doctor in the village of Barskoon, was persecuted for disseminating data on the number of women who had to abort after the cyanide spill. Her human rights activities provoked the discontent of local authorities, and in September 2008, a criminal case was opened against Bakhtygul. She was accused of abuse of office, fraud, and theft of building materials from the hospital. On 12 October 2010, the lawyer of CAC, A. Ashirov, proved the innocence of Bakhtygul in the Supreme Court, and she was subsequently reinstated in her post. Erkingul Imankojoeva continued to work in the public association "Karek", and in 2010 she became a member of the Parliament (Jogorku Kenesh) for the Social Democratic Party of Kyrgyzstan (SDPK).

Arzykan Momuntaeva, director of the Coalition for Democracy and Civil Society regional office, who dared to tell the truth about gold mining transactions at the Jerui and Andash deposits between the Government and mining companies, was assigned to the temporary detention centre in Talas in May 2006. Together with Arzykan, Lira Tantabaeva, a well-known activist of the women's movement, the leader of the NGO Ayalzat who had previously undergone severe heart surgery, and the mother of minor children, was detained and placed in a temporary detention centre. Being in a pre-trial detention centre seriously worsened the health of Lira and Arzykan.

## **Harassment for requiring transparency of elections and restriction of the right to hold peaceful assemblies**

After the early parliamentary elections, human rights activists, including youth activists who disagreed with the falsification of the results of the early parliamentary elections in 2007, were arrested. On 18 December 2007, because of their participation in the action ‘I Don’t Believe’, three activists, Tolekan Ismailova, Nazgul Turdubekova and Aigul Kyzalakova and 12 young activists were placed in the reception centre and sentenced to 5–7 days in prison. For two and a half days, the arrested were kept in terrible, degrading conditions equal to torture. Thanks to advocacy and international pressure, they were released 2.5 days later.<sup>8</sup>

For participation in the rally in support of Iranian activists, Tolekan Ismailova, Diana Makenbaeva, Aida Baydzhumanova and Evgenia Krapivina, employees of the CAC, as well as human rights activist Erkingul Imankojoeva were detained. To present their appeal, the participants went to the Iranian Embassy, but along the way, eight participants of the rally – four employees of the CAC and four partners of the organisation – were arrested. The Pervomaisky Court of Bishkek, when considering the administrative cases of the detainees, found them guilty of violating Article 392 of the Administrative Code. Regarding the employees of the CAC, Diana Makenbaeva, and Aida Baijumanova, as well as Erkingul Imankojoeva from the

public association “Karek”, a decision was made to recover an administrative fine of 1,500 soms. Evgenia Krapivina was issued a warning. Two other detainees had their administrative cases closed by the court due to lack of any administrative offence. After the revolution on 7 April 2010, the Supreme Court acquitted all participants of the rally.

## **Restriction of freedom of speech**

The journalist Jyparkul Arykova was charged with high treason under Article 292 and espionage under Article 293 of the Criminal Code of the Kyrgyz Republic. After more than 8 months of detention in the State Committee for National Security (SCNS) pre-trial detention centre, on 22 February 2007, thanks to the protection of CAC and lawyer N. Zotova, the court acquitted Jyparkul Arykova on Article 292 of the Criminal Code of the Kyrgyz Republic (high treason). Since October 2008, Jyparkul Arykova worked at the CAC as a coordinator for promoting Women’s Leadership in Kyrgyzstan.

## **Persecution after the 2010 revolution and inter-ethnic conflict in the south**

2010 was a difficult year in the history of Kyrgyzstan. The worsening political and socio-economic situation in the country resulted in the bloody April Revolution, with a violent change of power. The country was headed by the Provisional Government, led by transitional president Roza Otumbaeva. President Bakiev fled to the south of Kyrgyzstan to his ancestral

village and refused to transfer power. It was only as a result of negotiations conducted by diplomats and human rights activists like Tolekan Ismailova and Aziza Abdirasulova that he left the country without provoking further violence.

Three months after the April Revolution, in the south of Kyrgyzstan, in Osh and Jalalabad regions, an inter-ethnic conflict erupted between the Kyrgyz and Uzbeks. This claimed the lives of more than 426 people, leaving destruction, fires, intolerance between representatives of two ethnic groups, injustice and lack of access to justice for victims of the conflict representing the ethnic minority.

The conflict that took place in the south of Kyrgyzstan between 11–14 June 2010, led not only to a high level of nationalism, hostility and intolerance between Kyrgyz and Uzbeks, but also to a split in society, including NGOs, into two parts: one justified the conflict after it happened, encouraged suppression and infringement of the rights of ethnic Uzbeks, while the second opposed human rights violations. In that situation, the activity of lawyers and HRDs and WHRDs who protected the victims of the conflict was sharply criticised and attacked by the nationalist-minded part of the population.

During that period, at the entrances to state institutions there were instances of open attacks on HRDs and WHRDs and lawyers by organised groups of women, so-called 'OBONs' (Special Purpose Women's Detachments) during trials. There are known facts of open death threats made by criminal groups against

individual HRDs and WHRDs and members of their families.<sup>9</sup>

### **Persecution of defenders of the rights of victims of inter-ethnic conflict in the south of the Kyrgyz Republic in June 2010**

WHRDs Tolekan Ismailova and Aziza Abdirasulova were among the first ones to travel to the conflict zones. They recorded facts of human rights violations, openly voicing and transmitting them to public authorities. During the monitoring, they documented massive violations of the rights of ethnic minorities. Human rights activist Azimzhan Askarov, an ethnic Uzbek who had recorded facts of violence during the days of conflict in the Jalalabad oblast, was arrested and sentenced to life imprisonment. Having taken a principled position on protecting human rights, the WHRDs incurred aggression and harassment from officials, law enforcement agencies and nationalists. Hundreds of articles were published in the media to discredit and cause aggression against Ismailova and Abdirasulova, who were called traitors of their people. Furthermore, officials from their tribunals openly expressed their hatred towards them, while open threats were made against them and their relatives.

In July 2010, as a result of open death threats made by criminal groups, as well as unknown persons against Tolekan Ismailova and her family members, she had to leave the country for several months, together with her daughter and grandchildren.<sup>10</sup> In anticipation of the

departure, unknown women enquired about her grandchildren and the exact address of her current residence from residents of the residential building in which Tolekan lived.

On 18 August 2010, there were women in the Mayor's Office of Osh who lost their relatives and friends during the June riots. Human rights activist Aziza Abdirasulova was also at the Mayor's Office. The women began to attack her, referring to earlier statements in the media made by the Ombudsman of the country, Tursunbek Akun, on the activities of Aziza Abdirasulova and her relations with international human rights organisations. The women kept Aziza Abdirasulova in the office for more than two hours. During that time, her life and health were subjected to significant threat. The women called the prosecutor to detain Abdirasulova. The prosecutor of the city arrived and noted the illegality of women's actions, and took Aziza Abdirasulova and four girls out of the Mayor's Office.<sup>11</sup>

In the post-conflict period, the activities of lawyers protecting ethnic Uzbeks and victims of the conflict were sharply criticised and attacked by the nationalist-minded part of the population. There are known cases of attacks on women lawyers Nazgul Suiunbaeva, Tatiana Tomina, and Dilbar Turdieva in the courtrooms in the city of Osh, when they managed to leave the premises only with the assistance of the guards. Attempts of attack were made against Tatiana Tomina during the proceedings of her clients in the Supreme Court of Bishkek; a sabotage was arranged in a courthouse. Despite the fact that the

lawyers submitted their complaints and statements regarding the attacks by law enforcement agencies, no action was taken to bring the perpetrators to justice.

### **Restriction of the right to freedom of expression and persecution of HRDs**

Since 2010, Tolekan Ismailova has also been persecuted by special services of the Republic for her leading role in the International Festival of Documentary Films on Human Rights "Bir Duino-Kyrgyzstan". The organisers of the festival "Bir Duino-Kyrgyzstan" were subjected to various types of persecution, harassment up to even physical threats and attacks for organising movie screenings.

- In 2010, during the festival, the CAC first encountered pressure and attempts to disrupt the screening of films in the cities of Bishkek, Naryn, Karakol and Talas. Referring to the head of the presidential administration, Emil Kaptagaev, the National Security Service officers exerted moral and psychological pressure on the organisation's employees Diana Makenbaeva and Aida Baijumanova, demanding to cancel the screening of the film *10 conditions of love* by the Australian director John Levis devoted to the fate of the well-known human rights activist and President of the World Uyghur Congress (WUC), Rebiya Kadeer. Pressure was exerted in connection with the obligations of Kyrgyzstan in the framework of the

fight against extremism and terrorism within the framework of the Shanghai Cooperation Organization (SCO).

- In 2012, the festival and its team were under tremendous pressure in connection with the screening of the film, *I am gay, I am Muslim*. The Pervomaisky District Court of Bishkek labelled the film as extremist, and consequently banned its screening and distribution in the Republic. The Prosecutor General's Office requested the ban of the film, providing an expert assessment of the State Commission for Religious Affairs, according to which the film contains signs of religious hatred and religious humiliation of Muslims. The Supreme Mufti also opposed the film, saying that it "distorts the image of Islam by showing the example of people who have nothing to do with religion."<sup>12</sup> On the day of the screening, groups of aggressive women and young people gathered in front of the cinema, trying to disrupt the festival with provocative posters, some coming into the cinema as viewers, and shouting threats to the organisers and the author of the film. An important role in resolving the situation in the hall was played by human rights partners and guests of the festival.<sup>13</sup>
- In 2013, violent attacks against and persecution of the festival organisers occurred due to screening of a documentary film about the torture victim and human rights

activist Azimzhan Askarov who was sentenced to life imprisonment after the inter-ethnic conflict in southern Kyrgyzstan. As in previous years, the disruption was carried out by groups of women – the previously mentioned 'OBON' – and young nationalists who tried to disrupt the screening of the film. To ensure order, the festival team turned to law enforcement agencies that helped to prevent conflict.

## Harassment of HRDs and WHRDs following the election of President Almazbek Atambaev

After the April 2010 events in Kyrgyzstan, some progress was made in the field of political rights and freedoms. However, most likely it was not the merit of the authorities but a consequence of revolutionary events, combined with the reluctance of civil society and population to return to authoritarian traditions.

In 2011, Almazbek Atambaev was elected President. The State hierarchy strengthened, joining the Customs Union and interacting within the framework of the SCO, as part of a rapprochement with Russia. At the same time, Atambaev outlined the tendency to return to the authoritarian past. Since 2013, the country saw a rapid deterioration of the respect and implementation of fundamental rights and freedoms of citizens, especially the rights to freedom of association, freedom of speech and the media, freedom of conscience and

religion, freedom of peaceful assembly, a fair trial, and political rights.

In 2014, former Ombudsman Tursunbai Bakir Uulu submitted to the Parliament a draft law 'on foreign agents' aimed at controlling and restricting the activities of NGOs. Only thanks to active advocacy campaigns, the Parliament rejected the draft law in 2016.

Due to the adoption of a new version of the Constitution of the Kyrgyz Republic in June 2010, criminal law articles that envisaged criminal penalties for libel and insult were decriminalised. However, already in May 2014, the country's Parliament adopted amendments (Law of the Kyrgyz Republic No. 68 dated 17 May 2014) to the Criminal Code of the Kyrgyz Republic, i.e., to Article 329 "Making a false report about a knowingly non-existent crime", allowing criminal prosecution of persons who disseminate misleading information. As a result, an article envisaging criminal prosecution for libel was added to the criminal code.

The previous law on peaceful assembly that existed prior to the April 2010 events provided for a mandatory notification and authorisation procedure for conducting peaceful assemblies. In 2012, the country's Parliament adopted a new version of the law (Law of the Kyrgyz Republic No. 64 dated 23 May 2012) and eliminated the notification-permission procedure for conducting peaceful assemblies. In early 2013, the Parliament also made additions (Law of the Kyrgyz Republic

No. 148 dated 25 October 2014) to the KR Code on Administrative Responsibility that provided for administrative liability for illegal blocking of the road, i.e., actions aimed at restricting the rights and freedoms of citizens to free movement by individuals and (or) legal entities.

These changes negatively affected the situation of HRDs, WHRDs, journalists and lawyers who during the Atambaev period were subjected to aggressive defamation and prosecution on defamation charges. In 2016, the regional office of the UN Office of High Commissioner for Human Rights (OHCHR) for Central Asia stated that the number of negative statements and threats against HRDs by state bodies had increased in Kyrgyzstan. The OHCHR was reportedly concerned about the fact that HRDs opportunities for work were being reduced in Kyrgyzstan.<sup>14</sup>

WHRDs Tolekan Ismailova and Aziza Abdirasulova were subjected to defamation by the former President Atambaev. He filed multi-million lawsuits against journalist Dina Maslova, former deputy of the Jogorku Kenesh and human rights activist Cholpon Dzhakupova. Former Prime Minister Sapar Isakov filed a lawsuit against Elnur Alkanova, who conducted an independent journalistic investigation.

Accusing HRDs, WHRDs, citizens' organisations and those collaborating with the UN of extremist activities has become a new trend in their persecution. As a result of such accusations, the southern office of the HRM Bir Duino-

Kyrgyzstan and the houses of its lawyers were searched, and the report to the UN Committee on the Rights of Migrant Workers was declared extremist and included in the list of extremist materials.<sup>15</sup> The organisation was forced to begin a legal battle with law enforcement bodies and the State Committee for National Security that went on for many months while negatively affecting its activities, cooperation with state and donor organisations, and significantly damaging its credibility.

With the growing influence of fundamentalism, there have been attempts to put pressure on WHRDs advocating for women's rights. As conservatives and proponents of fundamentalism aggressively act to destroy gains in women's rights, they create a culture of impunity in which violence against women and girls is growing rapidly.<sup>16</sup>

In this situation, LGBTI activists are targeted by conservatives, nationalists and the traditional sectors of the population. Hate speech in the media has become an additional tool in the fight against HRDs, WHRDs and LGBTI activists. The leaders of the highest state bodies and parliamentarians openly attack and criticise them, accusing them of promoting Western values that are alien to the Kyrgyz culture. Participants, organisers, HRDs, WHRDs and public figures who participated in the women's march were subjected to severe pressure and defamation.

## Defamation of WHRDs

In October 2016, WHRDs Tolesan Ismailova and Aziza Abdirasulova were subjected to severe defamation and public dishonour. They were accused of betraying their homeland through a video distributed in Kyrgyzstan where they were sitting next to Kadyrzhan Batyrov at the Human Dimension Conference of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Batyrov was a leader among the Uzbek population, and after the inter-ethnic conflict in the south in 2010, he left the country. He was convicted in absentia of inciting ethnic hatred and put on the international wanted list. This case was widely discussed in Parliament, and Member of the Parliament Maksat Sabirov called Tolesan Ismailova a "traitor" of the country. He added that in Kyrgyzstan there are a lot of people involved in unsavoury activities, hiding behind the protection of human rights.<sup>17</sup> Aggression in society and the position of the authorities forced WHRDs to temporarily stay outside of Kyrgyzstan.

The OHCHR Regional Office for Central Asia issued a press release on the matter stating that negative statements and threats against HRDs and WHRDs by state bodies became more common due to the fact that Tolesan Ismailova and Aziza Abdirasulova have been subjected to defamation. OHCHR called on the Kyrgyz authorities to "actively counter defamation, abuse and threats" against HRDs.<sup>18</sup>

On 14 May 2016 at the award ceremony for women with many children, the President of the Kyrgyz Republic, Almazbek Atambaev, in his solemn speech, listing his enemies, including the leaders of the oppositional “People’s Parliament”, named the head of the HRM Bir Duino-Kyrgyzstan Toleskan Ismailova and the head of the public foundation Kylum Shamy Aziza Abdirasulova, accusing human rights activists of destabilising the state, and presenting them to the public as “faithfully working off their foreign grants”. The reputational damage inflicted on HRDs and WHRDs was especially severe, as the president’s speech was delivered at the award ceremony on Mother’s Day.<sup>19</sup>

Human rights activists have filed lawsuits against President Atambaev to defend their honour and dignity, demanding compensation for moral damage. Unfortunately, their claims were not deemed satisfactory and the judicial system demonstrated the inequality of the parties and lack of access to fair justice. On 22 May 2016, the Supreme Court rejected the claim of Toleskan Ismailova in a lawsuit to protect her honour and dignity against President Almazbek Atambaev for the amount of 10 million soms. The decision was final and not subject to appeal. The court made a decision only in the case of Toleskan Ismailova.

### **Charges of extremism**

On 27 March 2015, the SCNS conducted illegal searches in the office of the Osh branch of HRM Bir Duino-Kyrgyzstan.

Searches were also conducted in the houses of the lawyers Valerian Vakhitov and Khusanbai Saliev. The SCNS’ actions pressured the activities of independent lawyers, HRDs and WHRDs who are among the best professionals in southern Kyrgyzstan and have been protecting the most vulnerable citizens since 2010.

Searches were conducted after an American journalist, Umar Farooq, visited the Osh office on the basis of illegal court sanctions to seize extremist materials without making any charges against lawyers. Computers with more than 100 criminal cases were seized, with among them high-profile cases, like the case of human rights activist Azimzhan Askarov, Imam Rashod Kamalov, or the case of a 9-year-old boy raped by a madrasah teacher.<sup>20</sup> From March to June 2015, the HRM Bir Duino-Kyrgyzstan was proving in the courts the illegality of judicial sanctions and actions of the SCNS. On 24 June 2015, the Supreme Court declared the searches in the Osh office of HRM Bir Duino Kyrgyzstan and the houses of lawyers unlawful. Unfortunately, the officials did not bear due responsibility for their illegal actions.

On 24 January 2017, the SCNS issued a press release stating that representatives of HRM Bir Duino-Kyrgyzstan tried to prevent the detention of a suspect of extremism, and among seized materials were found items related to activities of HRM Bir Duino-Kyrgyzstan.

We believe that this press release was issued on the day of the delivery of the

trial judgement by the Chui Regional Court against human rights activist Azimzhan Askarov, whose interests and rights Bir Duino Kyrgyzstan have been protecting since 2010. The head of the organisation has been his public defender.

The organisation filed a lawsuit to protect its honour and dignity; the respective lawsuits were conducted for more than a year. On 4 April 2017, the Pervomaisky District Court on Bishkek recognised the information in the press release issued by the SCNS as discrediting the business reputation of the HRM Bir Duino-Kyrgyzstan. The court ordered the SCNS of the Kyrgyz Republic to refute the said inaccurate information in the media. However, later this order was cancelled by the City Court.

Unfortunately, by the Decree of the Supreme Court of the Kyrgyz Republic, 20 June 2018, the decision of the Bishkek City Court, 24 January 2018, was upheld. The justification stated: “it has not been found whether the representatives of the HRM Bir Duino-Kyrgyzstan did or did not take any action to prevent detention of A.Sh. and a search in the process of the investigative actions.” By its decision, the Court violated the principle of the presumption of innocence; the Court did not establish the fact of illegal actions on the part of the employees of Bir Duino Kyrgyzstan, but took the side of the SCNS.

In March 2018, during a review of the official website of the Ministry of Justice of the Kyrgyz Republic, in the section of extremist materials, the HRM Bir Duino-

Kyrgyzstan found a report sent together with the Anti-Discrimination Centre (ADC) “Memorial” to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW). In the same column, was also found a report from Freedom House titled ‘Chronicle of violence: the events of June 2010 in southern Kyrgyzstan (Osh region)’.

For more than a year, Bir Duino Kyrgyzstan did not know that the ADC report was being recognised as extremist and included in the list of extremist materials. In this connection, distributing, copying, transporting this report and posting it on the Internet entailed criminal liability for 2 to 7 years in prison.

On 22 October 2018, the resolution of the judicial board of the Supreme Court of the Kyrgyz Republic cancelled the decision of the Oktyabrsky District Court of Bishkek dated 5 January 2017, by which the joint Alternative Report of the ADC “Memorial” sent by the HRM Bir Duino-Kyrgyzstan to the CMW was recognised as extremist. This decision was completely abolished, and the case was sent for a new trial to the Oktyabrsky District Court of Bishkek. By the ruling of the Oktyabrsky District Court of Bishkek on 16 January 2019 (presiding A.B. Jeenbekova), the statement of the General Prosecutor of the Kyrgyz Republic to interested persons of the State Committee for National Security of the Kyrgyz Republic and the Ministry of Internal Affairs of the Kyrgyz Republic on our report was left without consideration. Later it was found out that all the case

materials were returned by the Court for additional study.

The HRM Bir Duino-Kyrgyzstan has sent relevant statements to the authorised bodies to hold the SCNS, the Prosecutor General's Office, and the Ministry of Internal Affairs accountable for falsifying the data.

In the course of nine years, WHRD Khadicha Askarova has been advocating for the rights of her husband, human rights activist Azimzhan Askarov. Askarov is a torture victim accused of killing a police officer, illegally sentenced to life imprisonment after the inter-ethnic conflict in southern Kyrgyzstan in 2010. Currently, HRM Bir Duino-Kyrgyzstan protects the rights of Khadicha Askarova as the wife of the deceased policeman, Ch. Bechelova, filed a lawsuit to recover debts for material and moral damage in connection with the death of her husband – compensation being the house of Azimzhan Askarov.

The HRM Bir Duino-Kyrgyzstan notes that the guarantees of the prohibition of arbitrary deprivation of home established in paragraph 10, part 4, Article 20 of the Constitution of the Kyrgyz Republic are not subject to any restrictions. We repeatedly noted earlier that the house that was seized is the only house inherited by Azimzhan Askarov from his mother, and all the more so, it cannot not be given as compensation. Her interests are currently being defended in the Bazarkorgon District Court.

## **Restriction of freedom of expression and harassment of independent journalists, WHRDs, HRDs, and lawyers**

On 6 March 2017, President Almazbek Atambaev criticised the media. On the same day, Attorney General Indira Dzholdubaeva filed two lawsuits against the online media outlet Zanoza.kg and radio station Azattyk. The editor of Zanoza.kg is the journalist Dina Maslova. Lawsuits were filed as the websites published the opinion of the lawyers of the opposition party, Ata-Meken, who stated that the cargo on board of a Boeing plane that crashed and killed 39 people in Kyrgyzstan in January 2017, allegedly belonged to the Almazbek Atambayev's family.<sup>21</sup> The lawyers of Ata-Meken party were requested to pay 10 million soms (around US\$143, 208).<sup>22</sup>

In June 2017, the Prosecutor General's Office filed a lawsuit against WHRD Cholpon Dzhakupova, former deputy of the Parliament and currently Director of the Adilet Legal Clinic. The lawsuit stems from the fact that Zanoza.kg published quotes of Cholpon Dzhakupova criticising the President during a round table organised by the Ombudsman Institute on 30 March 2017.

The judicial authority ordered Zanoza.kg, and its journalists to pay the head of state a compensation amounting to 9 million soms (US\$128,857) and to refute the articles 'Cholpon Dzhakupova: It's time to tame a man with manic inclinations' and

‘Millions from the president: at whose expense is the banquet really?’<sup>23</sup>

Overall, lawsuits were filed by the Prosecutor General’s Office in defence of Atambaev for the total amount of 27 million soms (around US\$386,700). There were co-defendants in these lawsuits. So, they demanded 20 million soms (US\$286,450) from Azattyk, 3 million soms (US\$42,960) from the director of Adilet legal clinic Cholpon Dzhakupova, and 10 million soms (US\$143,233) from two lawyers of the politician Omurbek Tekebaev. The total amount is 60 million soms (US\$859,399). The claims against “Azattyk” were withdrawn one month after they were filed. Prior to that, Atambaev met with the director of Radio Liberty, Thomas Kent, and continued to sue Zanoza.kg.

The hearings continued throughout the year, and the defendants lost the trials. A court decision banned journalists, human rights activists and lawyers from leaving the country until the end of the proceedings, while their properties were also seized. Processes were then underway to sell the defendants’ properties, who were allowed to pay their debts in instalments.<sup>24</sup> In response to this, Cholpon Dzhakupova and one of the founders of the Zanoza.kg website, Narynbek Idinov, filed a complaint to the UN Human Rights Committee against the Court’s decisions.

Only on 18 May 2018, the former president of the Kyrgyz Republic and the leader

of the SDPK party Almazbek Atambaev announced his intention to withdraw material claims against the founders of the Zanoza.kg website, Dina Maslova, Naryn Aiyp, PF “ProMedia”, as well as WHRD Cholpon Dzhakupova.<sup>25</sup> Cholpon commented on this decision of Atambaev: “But I will be realistic: I understand why this happened. The situation in the country has changed. We have used all legal mechanisms. In general, I have a two-fold attitude to the situation. I’m glad that the hassle has ended. On the other hand, I feel sorry that this did not happen in court, where the judge could show his honesty and respect for the law. I want the state institutions to work correctly.”

The SDPK party filed a lawsuit against human rights activist Rita Karasartova and 24.kg news agency under the article on the protection of honour and dignity. The reason for the lawsuit was a comment made by the human rights activist published in an article of 24.kg titled ‘Regions showed their teeth to the ruling party’. In particular, basis of the lawsuit seemed to be one of her interviews where she stated that the SDPK lost mayoral elections because of the party’s corruption. The Party lawyer, Taalaibek Usabaliev said the SDPK filed a lawsuit against Karasartova and 24.kg news agency for the protection of business reputation and compensation for moral harm. The human rights activist said the following about SDPK: “They have played the game of politics too much, they are selling posts right and left.”<sup>26</sup>

In April 2018, the case was closed against the journalist Elnura Alkanova who conducted a special investigation for Fergana News Agency on the sale of a luxury settlement – the Ideal House cottage settlement, previously owned by Maxim Bakiev – son of the former President Bakiev – and people from his inner circle. In her investigation, she found ties between the new buyer and the former Prime Minister Sapar Isakov. After the investigation was published, the Prosecutor General’s Office checked if there was any connection between the Prime Minister of the Kyrgyz Republic, Sapar Isakov, with some individuals from BTA Bank CJSC who were also mentioned in the material. But the examination did not reveal a connection between the two. Then, the investigator of the investigating service of the State Agency for Combating Economic Crimes (SACEC) initiated a criminal case against Alkanova based on the Criminal Code article ‘Disclosure of commercial, banking or other secrets, as well as secrets of taxpayer information’, forbidding her to leave the country.<sup>27</sup> In light of this, Alkanova could face five years in prison and fines.<sup>28</sup> The criminal case was investigated by the SACEC, but almost all the deadlines for the investigation expired, and Alkanova was never presented with the final charge. In addition, it is known that the Prosecutor’s office refused to support the prosecution in court in light of the many shortcomings in the case.<sup>29</sup>

Gulgaaky Mamasalieva, Head of the Interbilim Center defended the rights

of residents of Jalal-Abad and opposed the demolition of residential buildings in the city, and therefore was accused of sabotage by the Mayor of the city. Avazov called Gulgaaky Mamasalieva and the former candidate for the post of Ombudsman, Gulgaaky Mamasalieva, enemies of the city and asked her to “get out of the city”. The video, in which the mayor of Jalal-Abad Salaydin Avazov accuses Gulgaaky Mamasalieva was published on social media networks on 3 June 2016.<sup>30</sup>

### **Attacks on women lawyers**

In 2017, there were new cases of violence in the courtroom. On 2 May 2017, the Council of the Bar and the SCNS registered a statement regarding the beating of two lawyers in the city of Osh: Aisalkyn Karabaeva and Mukhaiyo Abduraupova. This incident occurred on 28 April 2017 in the building of the Osh City Court. A group of people beat these two lawyers who defended in court Nargiza Rajapova, a citizen accused of fraud and murder of a police colonel. The Coalition Against Torture in Kyrgyzstan reported that the trial to determine a preventive measure against Nargiza Rajapova scheduled for 28 April was held with gross violations. The complainants and relatives of the deceased police colonel organised provocations, and put pressure on the judges and the defence. Without saying a word to the defense lawyers and the accused, the judge decided to satisfy the investigator’s request for preventive measure – two months of detention

in the Jalal-Abad pre-trial detention centre. After that, according to lawyer Karabaeva, an aggressive crowd from the complainant party attacked the lawyers and beat them. The guards who, together with the accused Rajapova, were forced to hide the lawyers in a police wagon, were also beaten. When the car was driving away, the crowd shouted threats against the lawyers. The injured lawyers wrote a statement to the (SCNS) and the prosecutor's office against the investigator, who, according to the lawyers, 'leaked' the information to the injured party and, possibly, organised the attack. They also sought medical aid from doctors.<sup>31</sup>

### **Excessive checks of documents at the border and the ban on entry of HRDs, WHRDs**

In 2018, a number of HRDs, WHRDs and experts stated there were excessive border checks that infringed on their rights to freedom of movement. They believe they are on the blacklist that restricts their travel abroad, and some international HRDs, WHRDs have been banned from entering the country.

The programme director of the School of Peacekeeping and Media Technologies in Central Asia, Inga Sikorskaya, says that over the past year she has been subjected to unnecessary checks, 19 times. Last time, on 16 June 2018, even her passport was targeted at Manas airport: "I was even forced to undergo double border control. They also damaged my photograph in my passport, almost a third of it was torn off. Therefore, in Kazakhstan they did not let

me pass until I presented my internal ID. First, I did not see this, I was late for the plane, I did not look. Since May last year, this was the 19th time. One of the border guards during the inspection said that it was a 'secondary', that is, a secondary list. Well, it's clear that I was included in some lists."<sup>32</sup>

WHRD and human rights expert Mihra Rittmann who has been working with Human Rights Watch as Central Asia researcher for several years, went on vacation, and when she returned she was not allowed to cross the border. Tajik WHRD Nigina Bakhrieva arrived in Kyrgyzstan in 2009 to prepare a submission on the unrest in Nookat area to the UN Human Rights Committee, but was deported from the country without any justifications.<sup>33</sup>

### **Restriction of the right to peaceful assembly**

On 20 January 2018, there were plans to hold a peaceful march in commemoration of the 70th anniversary of the UN Universal Declaration of Human Rights and the International Women's march that took place around the world between 20–21 January 2018. However, despite the fact that a notice about the event was sent to the Bishkek Mayor's Office, the Pervomaisky district administration restricted movement of the march that was then held in the form of a peaceful meeting – a flash mob. In this regard, the HRM Bir Duino-Kyrgyzstan sent a request to the Pervomaysky Court to restore its rights 'on peaceful assemblies' under the Legislation of the Kyrgyz Republic.<sup>34</sup>

As a result, a fine of 10,000 Soms (around US\$145) was imposed on the head of the Administration, and disciplinary sanction was incurred by the responsible officer.

## Conclusion

Historically, in Kyrgyzstan, women were more involved than men in advocacy and civic activism, and as a result, they were more often subjected to harassment and pressure. WHRDs are always at greater risk and can be doubly vulnerable, both as HRDs and as women, with their relatives, friends and children potentially targeted as well. Women human rights activists and civic activists, especially in the region, do not always find the support of authorities and communities, and understanding of families. The traditional perception of the role of women, combined with diffusion and strengthening of religious views, has led to criticisms and defamation, leaving them isolated in confronting these issues. Defamation, public dishonour, multimillion lawsuits against WHRDs, prosecution, and accusations of extremist activity inflict moral, psychological, and physical damages on their state of health. This also adversely affects their professional activities, taunting their image and credibility, making them become outcasts while losing the support of their partners and donor organisations.

All the above mentioned factors indicate the need for special attention to protect the rights of WHRDs, raising their status and understanding their role in society, as well as their contribution to the protection of human rights and democracy in Kyrgyzstan. It is necessary to interact with

them, continue supporting them and fulfil the obligations to make sure the rights of WHRDs are protected by the state, international organisations and donors. Permanent funds and support programmes for WHRDs are needed to respond urgently to harassment and to provide them with protection and security.

While ensuring a better protection of the rights of WHRDs in Kyrgyzstan, the Kyrgyz authorities should:

- Protect the rights of WHRDs in accordance with the 1998 UN Declaration on Human Rights Defenders, ensuring compliance of domestic legislation with its provisions, posing particular attention to eliminating legal barriers for WHRDs to obtain financial resources, independence, the right to freedom of association, peaceful assembly and freedom of expression.
- Acknowledge the work of WHRDs and ensure expansion of the political space for civil society, including the Internet, promoting an increasingly safer and more conducive environment for civil society.
- State bodies, law enforcement agencies, and officials should refrain from any intimidating or repressive actions against WHRDs. Such actions should be condemned, investigated, and those responsible should be held accountable.
- Prevent politically motivated harassment or any other unreasonable harassment against WHRDs because of

their human rights work. In particular, WHRDs should not be subjected to judicial harassment, illegal judicial or administrative proceedings, or other abuse of administrative or judicial power, as well as arbitrary search of their offices, premises, arrest, detention and other sanctions for actions related to their human rights activities. The state should ensure the protection of their physical and personal integrity during court hearings.

- Ensure that lawyers engaged in human rights activities are not subjected to intimidation or reprisal, and threats to deprive them of the right to engage in advocacy for their efforts to protect human rights or protect HRDs and WHRDs.
- Stop discrediting WHRDs and their human rights activities, refrain from hanging negative labels or practising defamation in one form or another in their public statements.
- Develop active and constructive interaction with WHRDs, increase their participation in public life and public discussions.

We also recommend that international organisations:

- In accordance with the European Union and OSCE Guidelines for protection of the rights of human rights defenders, the OSCE Programme Office in Bishkek should play an important role in putting into

practice the OSCE EU policy regarding HRDs and WHRDs.<sup>35</sup>

- Continue effective monitoring of the situation of WHRDs, especially by international human rights organisations.
- Develop projects to raise public awareness of the work of WHRDs, with the aim of creating a system that, in the event of a threat, would help mobilise broad support and protect WHRDs.
- Mainstream gender equality in the decision-making process at all levels, especially within the human rights movement and corporate sector.

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# Women Human Rights Defenders in Nepal – Key Issues and Demands

*Sanjita Timsina\**

## **Abstract**

*In a largely patriarchal society, women human rights defenders in Nepal face life threatening risks and gender-based violence. The Women’s Rehabilitation Centre (WOREC), as a founding member of the National Alliance of Women Human Rights Defenders Network (NAWHRDN), has been at the forefront of advocating for women defenders’ rights and freedoms since 2007. In this chapter, WOREC’s years of experiences and reflections are explored, as well as the challenges encountered, lessons learned, and future steps ahead.*

## **Key issues faced by women human rights defenders (WHRDs) in Nepal**

Women human rights defenders (WHRDs) are working to advance human rights and fundamental freedoms, ending discrimination and structural violence. WHRDs in Nepal have aimed at breaking the culture of silence while championing the transformation of women from victims to change makers. In doing so, as WHRDS we have faced serious discrimination on the basis of our gender, work and the rights we work for. Our struggle to change patriarchal norms, values and structural violence has culminated in control over our bodies and physical integrity.

We have been targeted, criticised, threatened, intimidated, surveilled, and harassed, including online attacks because of our gender, and the work we do. At least 95% of documented incidents elucidate that to delegitimise our work, WHRDs, including their family members and intimate partners, have been subjected by state and non-state actors to domestic violence, reprisals, death threats, verbal abuses and harassments.<sup>1</sup> WHRDs who identify as lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons (including trans men), sex workers, women’s health workers, indigenous rights activists, historically marginalised women’s rights champions, women migrant workers, women impacted by conflict and poverty, women

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with disabilities and users of drugs, are often further marginalised by the social stigma they carry, increasing their exposure to violence and threats.

Violence against Women (VAW) is a gross violation of human rights. WHRDs are advocating to end such violations by challenging feudal and patriarchal structures, inequality and structural violence. The challenge they present to traditionally constructed norms, values, and practices gets translated into violent attacks on their bodies and minds. They are labelled as ‘troublemakers’, ‘whores’, ‘witches’ and ‘sluts’. Such stigmatisation is rarely treated with necessary seriousness and continues to either be ignored or regarded with very low priority. What has to be understood is that this stigmatisation and the lack of response from the State and Community leaders often translates into violent acts aimed at preventing these women from continuing their human rights work. In September 2017, prominent WHRD Rajkumari Upadhaya was assaulted in her home for over three hours by a neighbour who accused the former of being a witch and of making others ill.<sup>2</sup> VAW is an outcome of patriarchal socio-cultural norms and practices, and often take places in the private sphere. The ‘culture of silence’ that surrounds these ‘private acts’ makes it difficult to deal publicly with VAW. Silence and the consequent invisibility make it difficult to gather evidence of such violations. They are the only people who dare to make the violence faced by the victims public, often jeopardising

their lives and their own security in the process. WHRDs face threats, warnings and ultimatums for their work. They also receive threats against their family members, with kidnapping and murder of their children. Women participating in the public sphere are subject to ‘sexual baiting’ by family members and non-state actors; they are accused of engaging in extra-marital affairs, being sexually promiscuous, and being bad mothers and women. They are accused of promoting western ideas and of breaking up families. They are also subject to domestic violence, sometimes leading to attempted murder. They have been targeted because they are women and they defend human rights.

## Violence against WHRDs

- **Threats, warnings and ultimatums including in online spaces**

90% of WHRDs face threats including those against their family members, intimate partners and colleagues in order to stop them from doing their work;

- **Attacks on life, and on bodily and mental integrity**

95% of WHRDs have faced consequences of domestic violence and abuse, harming and delegitimising their work;

- **Sexual baiting**

70% of WHRDs have experienced sexual baiting through domestic violence, verbal abuse and harassment.<sup>3</sup>

The failure to recognise WHRDs’ work is firmly rooted in the larger patriarchal

practices that seek to maintain male privilege. WHRDs often face multiple forms of discrimination as women, and threats as HRDs based on their race, ethnicity, geographic origin, economic status, class, caste, access to education, sexual orientation, ability and age. Male privilege has reinforced the notion that women belong to the private sphere. This has had serious impact on women's ability to actively participate in the democratisation process. The exclusion of women is also systematically legitimised by religious and traditional cultural practices.

These practices are further reinforced by some male human rights defenders (HRDs) who, despite occupying the same space as WHRDs, fail to recognise the contribution of their female colleagues. Male HRDs address "important issues", establishing a hierarchy of rights in which VAW is not prioritised. Under this hierarchy, the activities and issues raised by WHRDs' activities are not considered legitimate and credible, hence, negating their role as potential agents of change and community leaders.

Furthermore, the Nepalese Government has no specific national laws, policies or practices that specifically recognise and protect the rights of HRDs, including WHRDs.

### **How WOREC addresses key issues faced by WHRDs – some highlights**

Women's Rehabilitation Centre (WOREC) is the founder member of the National Alliance of Women Human Rights

Defenders (NAWHRD). NAWHRD is a vibrant, strong and active women's network working from a feminist perspective. It is one of the largest existing loose networks guided by human rights principles and democratic values and practices. The key principles of NAWHRD are: recognition of the work of women for protection, promotion and security of women's right to live with dignity as human rights workers; and creating and advocating for safety mechanisms for WHRDs in private and public life. This is a loose network extended to all seven provinces of Nepal.

### **How WOREC engages and partners with WHRDs**

- Bridging capacities and promoting right to information;
- Documentation of human rights violations for redress;
- Advocacy at national, regional and international levels;
- Security, protection and right to life:
  - Relocation to safe spaces (location not revealed) along with dependents
  - Safe housing and space
  - Counselling if required
  - Legal, and access to justice (legal, social justice or more)
- Wellness and self-care (reboost).

NAWHRD itself is a collective effort to raise our voices together as one so that we can be heard. The network has created a platform to unite defenders,

advocating and working on different sectors such as: disability rights; women's right to land; women's right to housing; women's right to gender and caste equality (Badi Women's Movement); the Madheshi Women's Right; sexual rights for women; women's right to work (especially in the entertainment sector); rural women's right; Muslim women's rights; right to safety (freedom from violence); LGBTIQ rights; migrant women workers rights; women's right to natural resources; indigenous women's rights; and youth rights. The network supports defenders by building their capacity, supporting them at the time of distress, advocating collectively for recognition of their work as human rights work, and creating protection mechanisms for them. It also supports women whose rights get violated – especially victims of different forms of violence; and further advocates for required policy changes to ensure the realisation of women's rights, especially for marginalised groups.

The WHRD network identifies the area of support needed for the protection of a WHRD. Sometimes, WHRD members provide a safe space in their individual homes if the other feels it threatening to live in her own home and community.

WOREC also documents cases of the violence faced by WHRDs and sends these cases to the United Nations Special Rapporteur on the situation of human rights defenders and other relevant special procedures.

## The case of Laxmi Bohara

Laxmi Bohara was a member of the WHRD 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.

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 WHRDN, Laxmi's daughter stated that her father had severely beaten her mother all night. Laxmi Bohara's father submitted a First Information Report (FIR) to the District Police Office stating that his daughter was murdered by her husband and mother-in-law. However, claiming that more time was needed for religious rituals to be performed 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 husband's family connection, this undermined the likelihood of the investigation proceeding if the relative withdrew the FIR, jeopardising the credibility of the investigation. Furthermore, the post-mortem was conducted by a cousin 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 demanding a prompt and thorough investigation. The Police Officer 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's father to register the FIR were rejected. This is in violation of the State Cases Act that clearly mentions 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 an impartial investigation into the murder of Laxmi Bohara; the formation of an independent High Level Committee dealing with all forms of VAW; 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.<sup>4</sup> During the protest, several women were arrested. This 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 Assembly noted how VAW was a matter of grave concern, and that the Government should consider to address it as a matter of highest priority. A High Level Task Force was mandated to conduct an impartial and thorough investigation on VAW, and review legal provisions to ensure the defence and promotion of women's rights. It was also expected to draw up terms of reference for the formation of a High-Level Commission dealing with all forms of VAW.

In February 2010, the Supreme Court issued a ruling regarding the establishment of a fast-track system to address gender-based violence. The law against domestic violence was also passed after this campaign.

## **Challenges encountered and lessons learnt**

As women continue to challenge the feudal and patriarchal structures, unequal gender power relations and structural inequalities, protectionist responses are reinforced. They are often supported through law, policies and development projects that undermine the agency of women and challenge their very physical and psychological integrity.

It is crucial to mention that WHRDs have participated in all the country's political movements, though often those who struggled for women's rights alongside democratic rights were marginalised or even excluded from the movement. During the armed struggle,<sup>5</sup> hundreds of women who took up arms to struggle for broader fundamental rights found themselves struggling for their own rights, even within their own political nexus.

In 2003, as a result of WHRDs coming together, the Women's Charter for Women was created. It was in the midst of the armed struggle when an extremely volatile political situation had led to serious economic and social consequences that WOREC organised four regional People's Assemblies on 'Conflict and Displacement: Challenges for Peace and Development'. Each assembly was held in a separate development region of Nepal – eastern, western, mid-western and central. Focusing on conflict transformation and peace building, the women's charter serves now as a road map for the inclusion of particular issues faced by women – issues that must be focused on and lead the way for their deserving inclusion into the Constitution of Nepal being drafted at the Constitution Assembly.

At the beginning, during the formulation of the network, we faced geographical challenges and therefore could not include all WHRDs who wanted to be part of the district network. Another challenge was the inability to communicate with the district networks due to lack of access to the communication channels.

It was also difficult to deal with issues of intersectionality and diversity within the defenders' network. Similarly, maintaining good governance within each district network was a hard task.

## **Future steps to be taken to address the situation of WHRDs**

The formulation of resourced protection and security mechanisms focusing on eliminating structural violence against WHRDs – including the adoption of measures to prevent, investigate and prosecute those responsible for the abuses and violence – of prime importance.

The Government should create a mechanism that respects and documents the contribution of the WHRDs and create a conducive atmosphere for their protection.

Hence, these are our recommendations to the Nepal Government:

- Since the Constitution of Nepal (2015) has guaranteed fundamental human rights of citizens, WHRDs should be able to enjoy their legitimate rights and be able to support other needy sectors of the population, particularly women, children and minorities.
- The country's envisioned numerous constitutional rights bodies – the National Human Rights Commission, National Women's Commission, and National Dalit Commission among others – should be proactive in

protecting and promoting human rights, particularly of WHRDs.

- Security of HRDs, particularly of WHRDs, should be the priority of the state, and the laws and policies for the protection of HRDs should be adopted, and they should be enforced immediately and effectively.
- The Government must introduce protection mechanisms for WHRDs to be replicated throughout local level governments.
- Law enforcement agencies and other government bodies should give priority to the cases of the HRDs, particularly WHRDs, in retrospect of their long standing and wholly under recognised contributions to human rights work; and enforce existing mechanisms for their maximum protection.
- Initiate mechanisms that respect and document the contribution of HRDs and WHRDs, and create a conducive environment for their protection.

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## **Endnotes**

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5. Between 1996 and 2006, an internal conflict between the Government of Nepal and the Communist Party of Nepal (CPN Maoist) left over 13,000 people dead and 1,300 missing. By signing the Comprehensive Peace Accord (CPA) on 21 November 2006, the Government of Nepal and the CPN (Maoist) committed to establishing the truth about the conduct of the war and to ensuring the victims of the conflict receive both justice and reparations. To that end, the CPA references commitments to form two transitional justice mechanisms: a Truth and Reconciliation Commission (TRC) and a Commission on Disappeared Persons (CDP).

# The Struggle for Rights and Economic Justice – Cambodia Women Garment Workers’ Experience

*Worker’s Information Center*

## **Abstract**

*In 2018, Cambodia’s garment industry accounted for more than 70% of the country’s total export products, with thousands of factories and workers across the country. In this context, the Worker’s Information Center (WIC) – a women garment workers-based association – through a bottom-up approach advocates for women garment workers’ empowerment, supporting their struggles and movements for labour rights, fair working and living conditions and decent wages. The chapter provides an overview of the country’s garment industry development and challenges, together with concrete examples of women garment workers’ led struggles.*

## **Background**

Cambodia is a country bordered by Thailand and the Laos People’s Democratic Republic respectively in the west and north, the Socialist Republic of Vietnam in the east and south-east, and the Gulf of Thailand in the south-west. According to a preliminary result of the 2019 census, Cambodia’s population is about 15,288,489, of which 51.48% are females. The Gross Domestic Product (GDP) growth rate of Cambodia was 7% per annum over the last ten years, and in 2018, there was an increase of GDP to 7.5%.<sup>1</sup> Cambodia’s GDP is largely made up of three sectors, mainly agriculture (18.1%), industrial (34.9%), and services (39.4%).<sup>2</sup>

Since 1993, the Cambodian Government, in consultation with the World Bank and the International Monetary Fund (IMF), implemented programmes on economic and structural adjustments designed to stabilise the economy and attract foreign investment. Following this, the Foreign Direct Investment Law was passed in 1994 and amended in 2003. The law provides incentives to the investors that include, but are not limited to: exemption from import, export, and profit duties of up to nine years;<sup>3</sup> complete foreign ownership of companies; unhampered hiring of foreign citizens in high level positions;<sup>4</sup> and unrestricted foreign remittances after paying appropriate taxes.<sup>5</sup>

On 1 January 2005, the quota restraints of the Multi-Fibre Agreement (MFA)<sup>6</sup> expired and brought to an end restrictions on trade in textiles and garments among World Trade Organisation (WTO) members. As a result, WTO governed textile and garments trade, promoting free trade agreement among its members. Cambodia, among the many developed and developing WTO members, is one of the least developed countries that benefits from the European Union's Generalised System of Preferences (GSP).<sup>7</sup> Under the GSP, Cambodia is part of the Everything but Arms (EBA) initiative that permits all exported products from Cambodia to the European Union (EU) duty free and quota free, except arms and ammunition.

A case on point where incentives for foreign investors were particularly lucrative is elucidated by Singaporean Roger Tan:

*"I first came to Cambodia in 1995 because, quite simply, the Government's incentives were so good ... There are three key factors in the garment business – cheap labour, unused quotas and no exchange controls. Cambodia fulfilled all three. MFA quotas will disappear by early 2005, but the other advantages still promise our industry a bright future."*<sup>8</sup> – Roger Tan, Deputy Chairman, Garment Manufacturers Association in Cambodia (GMAC).

Cambodian garment industry's exported value was at US\$962 million in 2000 and

increased to US\$3,223 million a decade later in 2010.<sup>9</sup> In 2018, the industry had accounted for 73.7% of total export products, with a value of about US\$10 billion.<sup>10</sup> Currently, the industry has around 1,153 factories and employs about 840,000 workers,<sup>11</sup> 85% are women who mostly migrated from rural areas. The industry continued to be the backbone of the national economy in 2018, with main export beneficiaries being the European Union (46%), the United States of America (24%), Canada (9%), and Japan (8%).<sup>12</sup>

## **The conditions surrounding women garment workers**

Since 2014, there have been legislative expansions aimed at improving working conditions of garment and textile workers in Cambodia. For example, the Tripartite Negotiation Committee on minimum wages established in 2014 enabled an increase in monthly minimum wages every year, from US\$170 in 2018 to US\$182 in 2019.

In 2015, the Government passed the Special Lease Law (the Law on room rental for workers) to refrain landlords from increasing the rental fee for at least two years,<sup>13</sup> as well as the bill on access to public electricity for garment workers.<sup>14</sup> In 2016, the Government had the National Social Security Fund (NSSF) policy that focused on the risk at work (or work injury) covered by workers' health insurance.<sup>15</sup> From 2017, the NSSF fee was paid 100% by employers, and had expanded

the coverage to maternity benefits for women garment workers, providing 70% of the wage during maternity leave and additional support after delivery (US\$100 for a single child, US\$200 for twins, and US\$300 for triplets). In August 2017, the Government regulated the water price for garment workers at 800 riel or US\$20 cents per cubic meter,<sup>16</sup> as well as workers' free access to public transportation for two years (2018–2019).

Even though there has been a minimum wage increase over the past several years, the working and living conditions of women garment workers have not improved much.<sup>17</sup> The cost of living, including room rental fees and utilities, has significantly increased. Based on a recent study done with workers, women workers spent minimum US\$30 for monthly room rental fees and utilities (water and electricity), and US\$68 for food per month.<sup>18</sup> The enforcement of water price regulation is not effective since workers in many areas continue to access water at high price, for example from 2,500 riels to 5,000 riels (US\$0.63 to US\$ 1.25) per cubic meter.<sup>19</sup>

Apart from struggling with living conditions and expenses, women garment workers face tremendous difficulties in the workplace. While production targets in factories have increased, even sometimes doubled, the number of workers (three to five) on the production line has decreased.<sup>20</sup> For workers who earn per piece rate, the rate remains low. Therefore, women garment workers have

to double their efforts in production – working overtime to reach targets; and while leaving work late in the evening, many experience verbal harassment and inappropriate behaviour by groups of men. In addition, women garment workers often experience serious psychological violence in the form of intimidation, insults, and threats of dismissal from their supervisors and line managers. And this while receiving time restrictions for toilet breaks and drinking water.

The enforcement of the Fixed Duration Contracts (FDC) in factories is increasingly common, resulting in job insecurity for the workers. Some factories suspended the employment contracts in the main factory, with the rationale of no orders from buyers and then sub-contracted their products to other factories and sweatshops where labour laws and workers' rights are not respected, including the right to basic wages and other fringe benefits.<sup>21</sup> These sweatshops are not registered, and normally referred to by their location since they do not even have names.<sup>22</sup>

## **The trends and challenges in the garment industry**

The contentious strengthened economic and foreign policy ties between Cambodian and Chinese governments are reinforcing reluctant investment ventures in the EU and United States of America.

Some garment factories started closing down as employers attempt absconding all legal obligations to staff, while others become inactive where no orders

are taken and instead, materials for production transported to sub-contracted factories and sweatshops. In the main factories, workers' contracts, both Unspecified Duration Contract (UDC) and FDC, are being terminated, moving to an 'informal contract' within sweatshops, with insecure work conditions and no access to NSSF benefits and protection.

Women garment workers' right to join and form unions is also impeded. The implementation of the Union Law in 2016 and the fact that most articles are related to the arbitrary "Most Representative Union"<sup>23</sup> (30% of the total workers) had resulted in a significant drop of collective cases filed, from 361 cases a year in 2014 to less than 50 cases reported in 2018. Workers and unions face difficulty to access existing labour dispute mechanisms and fair treatment at the workplace.

Since early 2018, the EU started to consider the suspension of Cambodia's EBA status over its records on human rights and democracy. The possible end of the EBA status poses serious concerns among key stakeholders, especially for the garment industry labour market, infamous for unregulated sweatshops and unacceptable labour conditions.

Although workers can organise as a union, the workers' nominated representatives who join the negotiation committee for increasing wages and social protection are usually males. As a result, women's agendas and issues are often not prioritised, even when the union is mainly comprised of women. There are challenges

in ensuring democratic and participatory decision-making processes, collective efforts, and broader consultation within and between the union members and the leadership. For instance, leaders are more likely to decide on behalf of the members with no or little consultation with the larger group; as a result, members are often left behind or not fully informed.

## **Worker's Information Center**

Worker's Information Center (WIC) is a women garment workers-based association in Cambodia that emerged from a workers' empowerment project, Womyn's Agenda for Change (WAC), registered with the Ministry of Interior in 2009.

At the core of its work, WIC considers women garment workers' empowerment and agendas; women-led struggles and movements for labour rights, fair working, living conditions and decent wages; and women's fundamental rights to access basic essential services. WIC also seeks to bring about change in the lives of women and society more broadly, supporting women workers' empowerment towards the realisation of their rights. WIC's work also focuses on the mobilisation of women garment workers to push for change at structural and policy levels – either formally or informally.

WIC aims to create safe spaces for women garment workers by setting up and facilitating Drop In Centres (DICs).<sup>24</sup> The attempt is to locate the DICs in areas where women are working to facilitate them to:

i) have a place to take rest; ii) share their experiences and discuss their working, living, and social conditions; iv) access information; and v) build social networks.

WIC has a bottom-up approach, where women garment workers are mobilised and organised in order to define problems and identify root causes through critical analyses; develop a strategic plan with clear demands and solutions; and collectively advocate for structural, systemic and policy change. Workers themselves advocate for policy change through evidence-based advocacy that is documented through participatory action research. These critical analyses on the injustice and violations at work and living places explores the linkages of the impact of neo-liberalism and patriarchy to women's bodies, and labour; and women's participation and leadership in economic, political, and social issues. It is based on the experiences and analysis of context and issues faced by women garment workers who participated in fora, consultative workshops and discussions where fundamental human rights principles and concepts are used as a basis to facilitate collective and women-led campaigns, as well as strategies to reinforce and keep the struggle alive. For this, WIC supports women garment workers' efforts in analysing gaps of the current laws and policies, and strengthening their ability to advocate for the inclusion of women garment workers' needs and demands.

## Case study: women workers addressing injustice at workplace

The early 2016 women-led action collective facilitated by WIC to address the working conditions of a factory, highlighted the following:

- Around 2,000 workers had been receiving a mere 50 per cent minimum wage payment in rotation by group and section since early 2015 to March 2016 (with the agreement of the union and factory management);
- The workers undergoing suspension from work at finishing units had been receiving a wage of US\$50 with the approval from the Inspection Department, Ministry of Labour and Vocational Training (MoLVT);
- The suspension of the workers was explained by the factory management as being due to a decline in orders from the buyers.

Women garment workers approached WIC through a DIC. WIC then helped the workers in analysing the factory's background. Through the DIC, they also conducted further investigation on identified loopholes and issues, vis-à-vis Cambodian pertinent laws.

The process started with women garment workers coming together to **discuss and question\*** the general situation inside

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\* *The bold stresses actions taken*

the factory; mainly asking how and why these conditions occurred; what was the rationale provided by the factory for these conditions; what provisions were admissible under the Labour Law for these conditions; and what impacts these conditions have on the work of women garment workers and their lives. This led to the women garment workers **refusing days off with the 50 per cent minimum wage**, as this provision is against the Labour Law. Instead, they **demand to work** and being paid 100 per cent of the minimum wage, since according to the Labour Law it is the employer's responsibility to guarantee minimum wage and job security.

Women garment workers went further by **observing the situation and developing detailed records** of the production process as well as any events in the factory. They used this information and records to **map the flow** of the factory's production processes and **to conduct further investigation** by documenting evidences proving injustice and violations of Labour Law.

Through this investigation and analysis process, women garment workers found that the policy of paying 50 per cent minimum wage in absence of business orders was triggered by an agreement between the union and the factory management. They also found out that the factory had massive sub-contracting and outsourcing of products to other factories and sweatshops.

**Women garment workers mobilised their peers** in the factory from different sections and units, and nominated and identified their representatives (eight women, and later included one man) to continue their analysis, strategising and monitoring the conditions at the workplace. The representatives managed to mobilise 10 per cent of total workers (with the thumbprint) to reject the provision on 50 per cent minimum wage and instead demand full work, and hence full wage, from the factory management.

Workers also **met the Government agency in charge of labour inspection**, the Ministry of Labour and Vocational Training (MoLVT), and discussed the conditions of employment suspension. Workers' representatives also **brought to the buyers' attention**, with supporting evidence, the violations that occurred in the factory, seeking their intervention to address the situation.<sup>25</sup>

Women representatives documented all the evidence related to the production line and supply chain, strengthening their negotiation, communication and dialogue skills, working collectively to advocate with different stakeholders, including the factory management, MoLVT (particularly the Inspection and Dispute Resolution Departments), and buyers.

As a result, the factory compensated all workers for the 9-month employment suspension from July 2015 to March 2016, granting 100 per cent minimum wage in light of the 50 per cent loss faced by the workers.

Workers have meanwhile experienced risks and challenges associated with their actions in addressing injustices and violations at the workplace. The scrutiny from administration staff, Chinese management, supervisors and union leaders led to tension and pressure at work. There have been actions of discouragement and demotivation imposed on workers who attempted to mobilise other workers to join and support the struggle to resolve unfair labour practices within the workplace. The low levels of trust and confidence between workers and those involved in the dispute resolution's process, combined with concerns for personal safety and that of their family members, were significant challenges. As a result, workers often had to pause, reflect, and re-analyse the situation and associated risks taken by their team members and fellow workers. Despite these challenges, workers learned that solidarity, mutual care and sharing of relevant work-related information are vital for their analyses and collective action for justice.

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6. The Multi-Fibre Agreement was a trade pact for World Trade Organisation (WTO) members designed to adjust developing countries' textile and garment imports to the developed countries. The MFA, later modified as the Agreement on Textiles and Clothing (ATC), came into existence in 1974. However, Cambodia was not included in it until the mid-1990s. The MFA imposed quotas on the amount of clothing and textile exported from developing countries to developed countries. The Cambodian garment industry started to grow in the latter half of the 1990s as a result of trade liberalisation and the quota system.
7. The EU GSP removes import duties from products coming into the EU market from vulnerable developing countries. The aim is to support developing countries in alleviating poverty and creating jobs based on international values and principles, including labour and human rights.
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20. Collection of Stories of Women Workers in Garment Industry in Cambodia, Worker's Information Center (February 2019).
21. When the minimum wage was USD170 in 2018, workers work at sweatshop got between USD100 to USD120 per month (Focus Group Discussion with workers in October 2018).
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23. Under the Trade Union Law, Article 54, Most Representative Status (MRS) unions are those that has the exclusive rights to negotiate the collective bargaining or collective labour dispute resolution. MRS is any union that has members of 30 (thirty) percent or more of the total workers, or any union seeking the most support from any other unions with 30 (thirty) percent, in a given enterprise.
24. Currently, Worker's Information Center has five Drop in Centers operating in Phnom Penh.
25. The buyers referred to are clothing companies.

# ‘Colossal Force of Action’<sup>1</sup>: WHRDs Resist at the UN Human Rights Spaces

*Pooja Patel\**

## **Abstract**

*Women human rights defenders have long been involved in the United Nations mechanisms and processes, yet it was only in 2002, years after the adoption of the UN Declaration on Human Rights Defenders in 1998, that an articulation of risks and challenges faced by WHRDs was made. This chapter provides an overview of achievements, challenges, and needs to address in retrospect of decades-long work of WHRDs in engaging with the UN, from the Human Rights Council to Special Procedures, and its other mechanisms.*

Women human rights defenders (WHRDs), including their networks, coalitions and solidarity movements, have strategically and diligently engaged with the United Nations (UN) human rights mechanisms to build an important body of norms related to their experiences and protection needs.

Despite this growing recognition of the vital role of WHRDs and focus on protecting them, violence against WHRDs at the local and national level is on the increase. This is due to a rise in populism, extremism and fundamentalism – all having led to WHRDs working increasingly in the context of militarisation, religious or cultural extremism, homophobia and transphobia, and corporate power. And

yet, WHRDs in such contexts are at the front lines of struggles to reclaim civic space even as they face a history of discrimination cemented in patriarchal structures, institutions and practices. The resulting backlash is often experienced first by women and gender diverse people themselves, as their rights become deeply politicised and instrumentalised.

The UN intergovernmental spaces are mirrors of such dynamics unfolding in all regions. As WHRDs hold their ground and assert their place in the corridors and meeting rooms, their rights are contested, traded-off and undermined in State-led negotiations.

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\* Programme Director, International Service for Human Rights

This paper pays homage to the decades-long work of WHRDs who played an invaluable role in building the UN Human Rights Council (HRC) and its various processes and mechanisms. It provides an overview of how the earlier UN resolutions would include passing references to WHRDs, moving to an increasingly more nuanced understanding of the specificities of their experiences and a recognition of their vital contributions to human rights movements.

## **The work of the Special Representative to the Secretary General and the Special Rapporteurs on the situation of Human Rights Defenders**

The 1998 UN Declaration on Human Rights Defenders (HRDs) presented an important landmark moment where the right to defend human rights and be protected while engaging in human rights work was squarely provided for in international human rights law. Since its adoption, women's rights advocates and activists mobilised to ground an understanding of the fact that women, trans and gender non-binary activists experience a degree of discrimination and face barriers that their cis male colleagues do not. Furthermore, as argued in *Claiming Rights Claiming Justice: A Guidebook on Women Human Rights Defenders*:

“... it has been difficult to argue for adequate protection for women

human rights defenders within male-dominated social formations or spaces that exist all over the world. Most mainstream human rights frameworks and institutions fail to recognise the private or hidden nature of the violations, and focus on the public arena and state accountability. This leads to a disregard of non-state actors' abuses. The lack of mechanisms to hold individual perpetrators accountable under international human rights law contributes to a culture of impunity for these violations against women human rights defenders.”

In her first report to the UN General Assembly (2002), Hina Jilani, the former Special Representative to the Secretary-General on the situation of HRDs, pointed to the particular risks facing WHRDs.

Through consultations, as part of her mandate, narratives on the specificities of the WHRD experiences were given a focus. As a result, it became clear that WHRDs have specific protection needs. Her successor, Special Rapporteur on the situation of HRDs, Margaret Sekaggya, focused her 2010 annual report on WHRDs by drawing analysis from specific cases of violations that her mandate had received concerning the situation of WHRDS.<sup>2</sup>

1. This has contributed further to some important developments at the international level, including: Bringing greater recognition to WHRDs and their work;

2. Strengthening the legitimacy and credibility of WHRDs;
3. Monitoring systematically threats, challenges and violations experienced by WHRDs;
4. Developing or strengthening various mechanisms and policies protecting the rights of HRDs at the national, regional and international levels;
5. Strengthening networks of solidarity and support that have been built by WHRDs and their supporters.

The current mandate holder, Michel Forst, revisited the situation of WHRDs nearly a decade later. His assessment goes beyond analysis on the basis of communications of individual cases, as he undertook a number of regional consultations to gain deeper insights into the current experiences and needs of WHRDs.

Among the important contributions that his report<sup>3</sup> to the HRC in March 2019 made, the following in particular expanded the framework for WHRD protection:

1. Looking into the specific experiences of trans and gender non-binary defenders, and the added challenges they face based on discrimination on grounds of gender identity;
2. Looking into the specific challenges of WHRDs working on the rights of sex workers;
3. Looking into the marginalisation, discrimination and violence that

WHRDs may face from within human rights organisations and movements;

4. Looking into the needs of sustaining feminist movements, and outlining support for the self-defined collective care and protection strategies that are required.

Forst outlined key priorities for supporting WHRD movements, shifting the narrative away from one based on vulnerability and closer to one that supports WHRDs as agents of change. These priorities included:

1. Public recognition for WHRD work and contributions, including through participation in decision-making;
2. Ability to meet and communicate freely to share ideas as well as to create safety networks;
3. Safe and enabling environments to work on the promotion and protection of human rights;
4. Documentation and investigation into allegations of attacks, as well as gender-responsive reparations;
5. Protection mechanisms that demonstrate gender sensitivity, an intersectional approach to assessing the risk and designing the intervention and holistic security with the participation of WHRDs themselves;
6. Holistic security includes psychosocial and emotional wellbeing in addition to physical safety, digital security, etc;

7. Addressing and ending sexism and discrimination against WHRDs exist within organisations and movements
8. Ensuring that feminist movements are sustained through greater funding commitments.

## Resolutions at the General Assembly and the Human Rights Council

Since the creation of the HRC in 2006, WHRDs were consistently mentioned in resolutions related to the situation of HRDs. Each reference to WHRDs incrementally created a framework from which WHRD protection could be more deeply interrogated.

The General Assembly resolution 64/163 expressed concern over the serious nature of risks indicated in communications submitted by the Special Rapporteur in particular as faced by WHRDs. It urged States to “to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation, including cases of gender-based violence, against HRDs and their relatives”. In 2011, the General Assembly built on this to include the question of impunity of non-State actors and their role in gender-based violence and violence against HRDs.

Meanwhile, at the HRC in March 2010, after considering Margaret Sekaggya’s report on WHRDs, States adopted a consensus resolution encouraging them to “create and strengthen mechanisms for consultation and dialogue with human

rights defenders, including through establishing a focal point for human rights defenders within the public administration where it does not exist, with the aim of, inter alia, identifying specific needs for protection, including those of women human rights defenders”.<sup>4</sup> The following year, the mandate of the Special Rapporteur was extended, asking the mandate-holder to “integrate a gender perspective throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders”. In March 2013, the HRC once again passed a consensus resolution that expressed “particular concern about systemic and structural discrimination and violence faced by women human rights defenders, and calls upon States to integrate a gender perspective in their efforts to create a safe and enabling environment for the defence of human rights”.

Thereafter, the adoption of the first-ever resolution on WHRDs by the United Nations General Assembly in 2013 presented a significant step forward in recognising the important work of women<sup>5</sup> who defend rights and of all defenders of rights related to women and gender. The resolution was drafted by Norway who also led in the negotiations towards a consensus text by all member States of the UN.

However, it was regrettable that this consensus came at the expense of a crucial paragraph containing language calling on States to condemn all forms

of violence against women and WHRDs, and to refrain from invoking any customs, tradition or religious consideration to avoid obligations related to the elimination of violence against women. Such language had previously been agreed to by the General Assembly in Resolution 67/144 on the Intensification of Efforts to Eliminate All Forms of Violence Against Women.

Several aspects of the resolution were fiercely debated during negotiations, with African and several Asian States arguing that the text should focus more on the duties and responsibilities of those who defend rights and should not create special rights or privileges for certain groups of defenders.

Also contentious were important references in the initial draft acknowledging the risks faced by those working on issues of sexual and reproductive health and rights, as well as rights related to sexual orientation and gender identity.<sup>6</sup> These references were excluded in later drafts of the resolution as a result of opposition voiced by a number of States from Africa, Asia and the Holy See.

While the resolution as adopted does not comprehensively address all risks and protection needs of WHRDs, it remains an important resolution that provides a useful tool for the following key reasons:

1. States from all regions have committed themselves to take concrete steps to protect WHRDs;
2. The resolution presents a detailed roadmap for implementation, and provides concrete recommendations to States, NHRIs and multilateral institutions for follow-up;
3. It also presents ‘agreed language’, or text from a UN outcome that enjoys consensus by all UN member States and enables the possibility of building and strengthening norms on this basis.

## Our achievements since 2013

While this paper does not set out to capture in detail the full picture, some notable advances have been made at the UN human rights bodies and mechanisms. Of course, each has come with its own risks and challenges, and these are discussed in the subsequent sections.

### Human Rights Council

The contributions and situation of WHRDs became increasingly relevant across various other agenda of the HRC, in particular through its women’s rights and gender equality agenda. For example, in June 2014, the resolution on the elimination of discrimination against women and girls in law and practice recognised for the first time “the work done by civil society organizations, in particular independent women’s civil society organizations, is crucial to promoting full equality in all aspects of economic and social life and eliminating violence against women and girls, including women human rights defenders, and that they therefore

require support for their sustainability and growth". At the same session, in a resolution on addressing violence against women as a barrier to women's political and economic empowerment, the HRC condemned "acts of violence against women involved in political processes and public debate, including women parliamentarians, political candidates and human rights defenders".

### Special Procedures

An increasing number of mandate-holders are looking at the contributions that WHRDs have made in their areas of focus, signaling the diversity of the movements and the importance of taking intersectional approaches in order to adequately address the multiple forms of oppression within societies. A few examples are discussed here.

The Special Rapporteur on the rights of indigenous peoples, Victoria Lucia Tauli-Corpuz, outlines that WHRDs play a vital role in protecting indigenous communities. She states that WHRDs can be valuable resources to States in the context of balancing their duty to protect all women and the need to respect the right to self-determination and autonomy of indigenous communities. However, in a number of countries, the activities of female HRDs from indigenous communities have been criminalised and they have been subjected to severe forms of violence.<sup>7</sup>

The Special Rapporteur in the field of cultural rights, Karima Bennouna,

outlined that those defending the rights of women to take part in cultural life are de facto cultural rights defenders and the very antidote to fundamentalist and extremist agendas.<sup>8</sup> She outlined that "women's human rights are often prime sites of threats to universality" and that WHRDs work to take account of misogyny and gender stereotyping in the name of religious and cultural freedom. For this, WHRDs face backlash from the authorities. She illustrates this through the case of Egyptian WHRD Mozn Hassan who has been subjected to travel bans, had her assets frozen and was summoned for interrogation on charges including "changing the cultural values of women and inciting irresponsible liberation of women in society".<sup>9</sup>

The former Special Rapporteur on the right to freedom of peaceful assembly and association, Maina Kiai, identified that women in the context of assemblies are at particular risk from non-State actors. Religious and cultural extremists seeking to impose traditionally-held views on the roles of women have been reported to have attacked women-led assemblies in a number of countries, including in Indonesia and Malaysia.<sup>10</sup>

### Treaty Bodies

The Committee on the Elimination of Discrimination Against Women (Committee) has progressively become more intentional in seeking out the experiences of WHRDs in the context of States parties reviews. Whereas some years ago the questions remained in

relation to degree of participation of WHRDs in the States reviews, more recently the Committee has interrogated the legislative frameworks that restrict the rights of HRDs, considered cases of reprisals particularly in the case of Saudi Arabian feminists, and has considered questions on wellbeing of WHRD movements.

Meanwhile, the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Committee's General Recommendations contain some standards with regard to recognising WHRDs.

For example, 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. General Recommendation 30 recognises the roles of WHRDs in conflict prevention, conflict and post-conflict situations. 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. 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”. Additionally, General Recommendation 35 highlights that “discrimination against women was inextricably linked to other factors” that included stigmatisation of women who fight for rights. Recommendation 35 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”.

However, the Convention does not provide for an explicit right to defend rights, particularly offering protection for the defence of the rights contained within the Convention. The Committee has been filling this gap through its reviews of States parties, by including questions on the situation of WHRDs in their list of issues and in their questions to delegations, as well as outlining measures for follow-up in their concluding observation.

## UN agencies

UN Women and the UN Environment Programme (UNEP) have developed strategies and guidances to strengthen

their partnerships with WHRDs as well as to provide a framework for support to movements.

The Women Human Rights Defenders International Coalition made a submission to UN Women to help inform their internal guidance with minimum benchmarks and expectations from WHRD perspectives.<sup>11</sup> Among its many recommendations, the Coalition called on UN Women to:

- Ensure engagement and inputs of WHRDs both in the development and implementation of the guidance;
- Ensure that the guidance takes a rights-based approach and is in line with existing human rights standards;
- Address the holistic security needs and concerns of WHRDs;
- Advocate for an enabling and safe environment for WHRDs to do their work, while also calling for accountability of cases of violence and intimidation against WHRDs;
- Create a focal point within UN Women to oversee the implementation of the guidance.

A statement by UN Women recognised the work of WHRDs in giving “a voice to our aspirations for justice and equality”.<sup>12</sup> They noted the challenging contexts in which WHRDs do their work, in particular:

- The rise of political and social conservatism as well as discrimination, including sexism and racism, that are rolling back women’s human rights;

- Criminalisation of advocacy related to women’s rights to make decisions about their reproductive health;
- Ostracisation by their communities on both online and offline public spaces;
- Being subject to sexual violence and harassment for exercising their right to participate in public debate.

## Challenges we face

Recent years have shown that world over there is a trend towards democratic societies giving way to increased populist and extremist leadership, while authoritarian institutions and systems consolidate themselves. There has been a shift in foreign policies and in geopolitics resulting in:

1. A well-coordinated anti-rights mobilisation by conservative civil society actors seeking to drive traditional values and cultural relativist discourse through human rights frameworks;
2. A denial of recognition and backlash against rights for HRDs, civil society and social movements, by States;
3. An attack on the human rights institutions themselves, by both State and non-State actors.

We have witnessed the watering down of existing agreements and commitments; deadlock in negotiations; sustained undermining of UN agencies, treaty bodies and Special Procedures; and success in

pushing through regressive language in international human rights documents.

Conservative States, and blocs of States, aggressively negotiate out positive language and introduce hostile amendments to resolutions, most often focusing on rights related to gender and sexuality, as well as on the rights of HRDs. For example, during the June 2016 session of the HRC, opposition was mounted towards a resolution on discrimination against women by the member states of the Organization of Islamic Cooperation (OIC) and allies. During contentious negotiations, multiple provisions were removed, including women's and girls' right to have control over their sexuality, sexual and reproductive health, and reproductive rights; and the need to repeal laws that perpetuate the patriarchal oppression of women and girls in families, and those criminalising adultery or pardoning marital rape. Hostile amendments were also introduced to remove references to WHRDs, but these were voted down.

The HRC has also been the site of unhelpful initiatives to co-opt human rights norms and enact cultural relativist language, such as that of the Russia-led "traditional values" resolutions, and the "Protection of the Family" agenda.

The issue of reprisals faced by WHRDs engaging, or seeking to engage, with the UN system, experts and offices remains of increasing concern. Instances of threats, harassment and violence against

any individual engaging with the UN is increasingly expected, rather than being exceptional. Threats and intimidation have also been extended to Special Procedures mandate holders, particularly those who are women.

## Strategies to counter challenges

Working in coalitions and networks, civil society engaging with the UN human rights bodies and mechanisms have identified three key strategies to mitigate the backlash faced by WHRDs engaging in these spaces:

1. Strengthening access and participation of WHRDs by addressing the multiple barriers that cause impediments, including NGO accreditation, resources, discrimination from within movements, among others;
2. Strengthening coalitions for broad-based campaigns and strategic tactics to hold ground on the standards already gained, while advancing rights from feminist perspectives to confront power, privilege and patriarchy';
3. Strengthening the capacity of WHRDs and expanding the pool of expertise in strategic engagement with the UN human rights system.

In conclusion, WHRDs are at the forefronts of struggles against populism, extremism and fundamentalism in all regions of the world. These struggles are mirrored at the UN. Global backlash against gender equality, particularly rights related to

bodily autonomy, present additional challenges to WHRDs who are already working in contexts of shrinking civic space.

A coordinated, well-resourced feminist movement that puts wellbeing and collective care at the centre of its practices are important to not only prevent regress on advances made at the UN level, but also to strategically reclaim UN agenda and spaces from a feminist perspective.

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# Risk and the Wellbeing of Women Human Rights Defenders

*Alice M Nah and Hannah Dwyer Smith\**

## **Abstract**

*Women human rights defenders experience gendered risks arising from social expectations about their roles and behaviour as women, including from within human rights circles. These risks impact upon their mental and emotional wellbeing. This article explores why it is difficult for women defenders to address the mental and emotional impacts of their activism and highlights how human rights communities can support them in practices for self- and collective care.*

## **Introduction**

In a study of 407 human rights defenders (HRDs) in Colombia, Mexico, Egypt, Kenya and Indonesia, in which 191 self-identified as a woman (46.9 per cent), 210 as a man (51.6 per cent) and 6 as transgender (1.5 per cent), we found that gender mattered significantly in experiences of security and protection.<sup>1</sup>

While harassment, intimidation, stigmatisation, threats and attacks were experienced by defenders of all genders, many of the risks experienced by women defenders contained explicitly gendered elements. Women defenders were affected by misogynistic

attacks, the normalisation of gender-based violence, stigmatisation, sexual baiting, sexual violence, and threats against family members. As a woman defender discussed, “I think there’s a gender difference between female and male advocates. For example, my male colleagues have never received a message that says, ‘I’m going to rape you’, ‘I’m going to shove my \*\*\*\* in you’. As women, we not only receive the same threats as men, we are also exposed to other risks as women.”

A Kenyan defender also described an attack against her, saying, “One [attacker] was very angry, he hit me on

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back of head; I fell, he stepped on me; I thought he was going to strip me. I was terrified. They kept hitting me, one was trying to undress me. I remember them asking me if I was circumcised.” A woman defender in Mexico recalled that after a protest, “men detained were battered, not women. Women were undressed and put in front of a physician to be examined. Women were reminded that they had kids and could be disappeared.”

Gendered slurs and threats of sexual violence are often used against women defenders and their daughters. As a Kenyan woman defender discussed, “in their speech they threatened and threatened me, they called me a useless woman and a prostitute that had been left by her husband.” Participants also observed that protection agencies, enforcement officials, community members and even fellow colleagues often did not take threats and harm against women seriously. Violence against women was commonly depoliticised and left unattended.

Institutional discrimination poses a particular threat to lesbian, bisexual and trans women, and the widespread societal rejection of their gender identities and sexualities amplifies the risk they face. As a trans woman defender in Colombia asserted:

“Many of the rights of gays, lesbians and trans persons are violated by the same entities that are supposed to protect us. I have denounced a lot of

events. The police have beaten me and burned me... Having made these denouncements has made me very vulnerable and exposed in the streets. There have been comments that the police want to harm me and even want to kill me for the denouncements that I have made.”

Often, when faced with systemic institutional discrimination, the approach of making public accusations and denouncements is not effective. Another trans woman defender in Colombia discussed how she made 150 reports to the police over a period of 10 years, but of these, “there has not been one disciplinary sanction towards the police. The response to our complaints and to the reporting by trans women, is – if you hit a gay person, if you torture a gay person or even kill her – nothing will happen. And the police have even said that to us: ‘Go ahead, report us! Nothing will happen!’”

Violence against women defenders varied according to the issues they worked on. Defenders advocating for the rights of women, girls, sex workers and LGBTIQ\* persons also experienced not only institutional discrimination, but also felt more vulnerable to threats and attacks due to the absence of public support for their causes. A woman defender who was attacked and her face cut for defending sex workers also experienced discrimination by the police, saying she ‘deserved it’. When asked if anyone came to her assistance, she responded: “No one

[helped]. If I did not have money on me, I would be dead...I was able to treat myself. Otherwise I would be dead today.”

## Risk and its impacts on families and loved ones

Families and loved ones play a key role in women defenders’ experience of risk. Often family members can be targeted, directly and indirectly, in attempts to force defenders to back down. In Indonesia, a defender stated with regret, “I think I jeopardised my family and parents who were respectable people.” Having to shield their families from their work places is an additional burden on women defenders. It also removed a vital line of support. A defender in Kenya reported how, after a security incident at a protest, she was not able to seek help: “I could not tell my parents since they did not want me to go to the demonstration in the first place.” Likewise, a trans woman defender in Colombia discussed not telling her mother about her human rights work in order to protect her from worrying. “I don’t want her to know that my life is at risk.”

Direct threats to families and loved ones are hard for defenders to bear, and are commonly used against women in particular. In Kenya, a women defender reported that her mother’s house was burned down as a clear threat against her, and in Mexico, a defender told of how her office was broken into and signs were left in warning: “I had two portrait pictures of my kids on my desk; they put some strange circles around. It was similar

for other colleagues.” Likewise, in Kenya a woman defender reported:

“I am a brave person by nature, but the first time I was very scared was when I was attacked by armed gunmen who made it clear I was standing up against very powerful people in the community. At that time, I was afraid for my son, I was afraid they would shoot him.”

Another woman defender in Mexico discussed the guilt she felt because of the risk her work entailed for her family. “I told [my children] the situation and that I would not quit [activism]... I think another world with justice is possible... my three children respected my decision, that was important. I am working my guilt in therapy.”

However, women defenders also experience threats directly from their families because of their work, often also linked to societal expectations and stigma. A trans woman defender in Kenya reported how her work affected her relationships with her family: “They called me despicable... It was so hard I wanted to commit suicide. I could not proceed with my work at that time.” Likewise, in Egypt, a woman defender reported:

“I face this with my family when I try to defend a media personality they consider to be against the state, or against their inclinations at a given moment. This ranges from fighting with me to actual cutting ties. As

much as this appears insignificant compared to security threats, this psychological and social pressure may cause a person to back down at any given moment.”

## Violence within human rights circles

Women defenders also reported experiences of violence from within their organisations and movements. Sexism, discrimination, harassment and the lack of recognition for their work has contributed to toxic work environments. As a woman defender from Mexico elaborated,

“Sometimes [in my previous organisation] people approached me in a way that intimidated me. It was never direct, like in other spaces, but I felt burned out in some organisations even if I liked working in there, because I was tired of harassment... there were a lot of men harassing us, or mocking about our proposals. That is a form of violence.”

Other instances were more subtle, but nevertheless had significant impacts on the defenders who experienced them. For example, another woman defender from Mexico recalled, “we realised that gender components [in human rights work] were not named specifically when involving women human rights defenders... the work we made was not visible... was not recognised. [In the past] we were not vindicating ourselves as

women human rights defenders... many times men were the ones taking all the recognition [for our work].”

These experiences have had a chilling effect on women’s desire to participate in mixed-gender organisations. As a defender related, “when violence comes from within, from the closer sphere; such as sentimental partners, colleagues from the same organisations, machismo within social movements, when that happens, there is a peril of fracture, sometimes even more dangerous than that related to external actors.” Another stated:

“[W]e have learned that several women human rights defenders have been capable of responding against situations of torture, arbitrary detention, defamation campaigns by governments. Women defenders have confronted these type of situations and still continue their work. However, when the violence comes from their inner circle; within their families and organisations. In that case the impact on the work of defenders is extremely difficult.”

## Mental and emotional wellbeing

86 per cent of HRDs at risk in our study expressed that they were ‘somewhat concerned’ or ‘very concerned’ about their mental and emotional wellbeing. They were as concerned about this as they were about their physical security and

digital security. However, psychosocial support came through strongly as a gap in the provision for defenders. A woman defender in Kenya highlighted that, “[p]eople are more comfortable and are more socialized to deal with physical [security] because that is what we see and interact with. The minute you touch on mental health you are touching on a very soft spot for many people but there is need for a lot of awareness on that.”

When they do think about the topic of wellbeing, defenders often focus on the wellbeing of victims of human rights violations and abuses, rather than their own wellbeing. Defenders sometimes feel guilty when thinking about their own wellbeing; it feels self-indulgent. A woman defender working on land rights in Colombia expressed: “This is the last measure people take. We start by thinking about our children, our families, our communities; the last person we think about is ourselves. It is because of the ‘love for our art’; we are not looking to be protagonists or to serve our own interests.” Nevertheless, the psychological consequences of their work can be tremendous. Defenders in our study spoke about the challenges of living with pervasive fear and anxiety; of burnout and exhaustion; their inability to sleep; of their feelings of powerlessness in the face of oppression; of feeling ‘numb’ or emotionless; of being in constant ‘fight mode’; and of their fatigue, despair, isolation, and stigmatisation.

In human rights circles, there are strong social and cultural norms about self-sacrifice, heroism, and martyrdom. Especially in hostile conditions, risks are deemed as inherent in human rights practice. Defenders are expected to make personal sacrifices and to struggle; they are expected to face and manage risks or leave the work. Machismo culture and the pressure that defenders feel about needing to be (and to appear) ‘brave’, inhibit conversations about wellbeing. In some cases, defenders are concerned that talking about the threats and attacks they have experienced and about the anxieties that they feel, may perpetuate fear and discourage others from joining the human rights movement.

Some women defenders discussed how they had privately sought out counselling and support to help them cope with the toll of their work on their mental health. A defender in Mexico recalled, “I’ve been in very difficult circumstances in human rights organizations where they have taken me way beyond my limits [she cries]. So, that issue on emotional stability is really important and we don’t prioritize it, so what I personally did, was go to a psychologist... I think it’s the responsibility of the organizations to cover those expenses and provide for those services... the truth is that all of the emotional and psychological support that I’m receiving has saved me, literally.” In Kenya, a woman defender reported positively on how a regional feminist organisation was of help after a security incident:

“[I]t was more the mental and physical wellbeing, so they ensured that they were talking to me constantly, because I was confused and angry, they kind of put everything in place with communication over the phone... on the first night they made sure from the outside that they had booked a hotel that I went into straight from my house, and from there they contacted the human rights organisations in Kenya and told them what was happening.”

to the building of diverse, inclusive and strong movements of women human rights defenders (see Table 1).<sup>2</sup> These involve, inter alia, recognising women defenders publicly and affirming their contributions at every level; ensuring that they are enabled to connect to each other and sufficiently resourced for their human rights practice; documenting threats and attacks against them and bringing perpetrators to justice; as well as developing protection mechanisms that follow the UN Special Rapporteur’s seven principles underpinning good protection practices – namely that they are rights-based, recognise the diversity of defenders, gender-sensitive, focused on ‘holistic security’, oriented to individuals and collectives, involve defenders in the choice of strategies and tactics, and flexible enough to meet the specific needs of defenders.<sup>3</sup>

### Implications for practice

In his report to the Human Rights Council on the situation of women human rights defenders, the UN Special Rapporteur on the situation of human rights defenders, Michel Forst, emphasised eight priorities that would contribute

**Table 1: The UN Special Rapporteur’s priorities for building diverse, inclusive and strong movements of women human rights defenders (A/HRC/40/60)**

<b>Priority 1</b>	Publicly recognize the importance of the equal and meaningful participation of women human rights defenders at every level and in every institution in society, devoting resources to achieve this aim in accordance with the principle of substantive equality
<b>Priority 2</b>	Ensure that women human rights defenders enjoy freedom of movement and have safe spaces and communication channels that enable them to meet and share ideas, experiences, resources, tactics and strategies regularly
<b>Priority 3</b>	Build a safe and enabling environment for women and all other human rights defenders to promote and protect human rights, ensuring that all non-State actors respect human rights and that all State actors respect, protect and fulfil human rights

<b>Priority 4</b>	Document and investigate all forms of risk, threats and attacks against women human rights defenders, ensuring that perpetrators – both State and non-State actors – are brought to justice and that these defenders have access to an effective remedy, including gender-responsive reparations
<b>Priority 5</b>	Develop protection mechanisms and initiatives that incorporate the Special Rapporteur’s seven principles underpinning good protection practices
<b>Priority 6</b>	Recognize that security must be understood holistically and that it encompasses physical safety, digital security, environmental security, economic stability, the freedom to practice cultural and religious beliefs and the mental and emotional wellbeing of women defenders and their families and loved ones
<b>Priority 7</b>	Recognize that sexism and discrimination against women, girl and gender non-conforming defenders exist in communities and human rights movements and take measures to address them
<b>Priority 8</b>	Ensure that funding enables women defenders in their diverse circumstances to promote and protect human rights in a continuous, sustainable and effective manner

The need for adequate psychosocial wellbeing is increasingly prominent in discussions of defenders’ security. However, many women defenders reported experiencing pushback from within their organisations with regard to the need for support. Most women discussed private strategies they used to support their own wellbeing in the absence of organisational or communal support.

In calling for more focus on wellbeing and self-care, it is important that the human rights community avoids ‘blaming the victim’ – that is, seeing negative impacts on wellbeing as being caused by the ‘careless’ inattention to self. As Ginger Norwood has observed, self-care can feel overwhelming and impossible to women

defenders who are already struggling with myriad risks.<sup>4</sup> Scholars and practitioners have emphasised the importance of examining wellbeing as a collective endeavour.<sup>5</sup> Such initiatives might include embedding practices of self- and collective care within groups and organisations, including the provision of supervision for case work, healthcare, counselling, insurance, and social security, as well as examining the effect of funding practices on sustainable activism. Satterthwaite and colleagues call for organisational and institutional responses to strengthen self- and collective care, not just through the provision of support to address symptoms but through the

reimagination and reorganisation of human rights practice.<sup>6</sup>

Last but not least, it is important to recognise that for some women defenders, spaces of activism are crucial spaces for wellbeing. It is therefore important to understand how such spaces need to be reshaped so that they do not replicate oppression, discrimination and violence, and how participation, acceptance and inclusivity can be strengthened in human rights communities.

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### **Endnotes**

1. For more information on this study, see the project 'Navigating Risk, Managing Security, and Receiving Support', available on <https://securityofdefendersproject.org/>, accessed 22 November 2019.
2. UN Doc No A/HRC/40/60 (10 January 2019).
3. UN Doc No A/HRC/31/55 (1 February 2016).
4. Ginger Norwood, Promoting self care and wellbeing among feminist activists and women's rights defenders: Reflections from Burma and Palestine (Santa Fe, NM: Upaya Zen Center, 2013).
5. Jennifer Alzate González, Anti-racist activism and community self-care at the University of Michigan. *Souls*, 17, No. 1–2 (2015): 11–19; Maik Müller and Clemencia Correa, Integrating a psychosocial perspective into human rights and protection practices: A case study of Peace Brigades International (PBI) Mexico, Human Rights Defender Hub Working Paper Series 2 (York: Centre for Applied Human Rights, University of York, 2017).
6. Margaret Satterthwaite, Sarah Knuckey, Ria Singh Sawhney, Katie Wightman, Rohini Bagrodia and Adam Brown, From a "culture of unwellness" to sustainable advocacy: Organisational responses to mental health risks in the human rights field, *Review of Law and Social Justice*, 28, No. 3 (2019): 443-554. See also the website Resources for Resilience which 'seeks to promote resilience and improve mental health and wellbeing among human rights advocates' (available at <https://www.hrresilience.org/> accessed 22 November 2019).

## About FORUM-ASIA

The Asian Forum for Human Rights and Development (FORUM-ASIA) is the largest membership based human rights and development organisation in Asia with a network of 81 members in 21 countries across Asia. FORUM-ASIA works to promote and protect human rights for all, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia and beyond. FORUM-ASIA seeks to strengthen international solidarity in partnership with organisations and networks in the global South.

FORUM-ASIA was founded in 1991, and established its Secretariat in Bangkok in 1992.

Since then, other offices have been opened in Geneva, Jakarta, and Kathmandu.

FORUM-ASIA has consultative status with the UN Economic and Social Council (ECOSOC Status) and a consultative relationship with the ASEAN Intergovernmental Commission on Human Rights (AICHR).

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*“...in a patriarchal context where women have traditionally been taught to depend on men instead of one another, the very fact that women have come together in solidarity as defenders is a victory.”*

– Syme de Leon, Sejin Kim, FORUM-ASIA HRD Programme

Women human rights defenders’ long-standing contributions and achievements within and beyond the human rights movement have been for a pronounced period of time institutionally neglected and disregarded. Though constantly defending rights and demanding accountability at the national, regional, and international levels, women defenders continually encounter the same atrocities and life-threatening risks in their daily lives, arising from socially constructed norms of gender roles and sexuality.

In their struggle confronting State and non-state actors, complicated by gender-blind mechanisms, women defenders face risks and attacks that their cis male colleagues do not. They are most often exposed to being targets of gender based physical violence, harassment, stigmatisation, and intimidation, among others.

FORUM-ASIA accords women human rights defenders a key priority. Through interviews, reflections, and case studies highlighted by our members and partners, this working paper amplifies women defenders’ achievements, progress, and future steps.

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