



WOMEN HUMAN RIGHTS DEFENDERS

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Struggle

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

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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 Asia¹ 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.²

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,³ making them one of the most targeted groups of defenders in the region.⁴

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.⁵ 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.⁶ This was the second edition of the report dedicated to the situation of WHRDs by the mandate holder.⁷ Furthermore, the first resolution on protection of WHRDs

was adopted at the United Nations General Assembly (UNGA) in 2013.⁸ 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.⁹ 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.¹⁰ 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.¹¹ 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.¹² 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\$20,000.¹³ 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.¹⁴ 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".¹⁵ 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.¹⁶ 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.

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
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
9. This draws from a direct quote from our interview with a WHRD from Thailand.
10. DisabilityRightsFund, Channel Foundation, 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
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
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.