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WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM

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Joint submission to the Special Rapporteur on the promotion and protection of freedom of opinion and expression

Report to GA on “Gender Justice and the Right to Freedom of Opinion and Expression”

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¹ The Women Human Rights Defenders International Coalition (WHRDIC) is a network that supports and protects women human rights defenders worldwide in their defence of human rights. It has 35 members from all over the world, ranging from local, grassroots organisations to large, international organisations:
<https://www.defendingwomen-defendingrights.org/about/>

1. Introduction

Our organisations welcome the focus of the Special Rapporteur’s report to the 76th session of the General Assembly on “Gender Justice and the Right to Freedom of Opinion and Expression”, and her call for input.

This submission, which focuses on the situation of Women Human Rights Defenders and developments within UN institutions, mechanisms and bodies, draws from a text developed by our organisations as part of advocacy action. We are bringing it to the attention of the Special Rapporteur as it is quite relevant to the issue of gender justice and right to freedom of opinion and expression.

2. Who are Women Human Rights Defenders (WHRDs)

Women who promote or protect human rights, and people of all genders who engage in the defence of women’s rights and rights related to gender and sexuality are collectively known as women human rights defenders (WHRDs).² Working to protect women’s rights and promote gender equality and justice includes: promoting the education of women and girls including comprehensive sexuality education; combating sexual harassment, violence and negative stereotypes; working to end harmful traditional practices; ensuring access to safe and legal abortion; working against discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics; working in peace and mediation processes in conflict and post-conflict situations; promoting women’s participation in political processes; and any other activities that promote the welfare and equality of women and girls. WHRDs face multiple and intersecting forms of discrimination and violence both because of the work they do and because of who they are. This includes, in particular, defenders who are part of historically oppressed groups such as: racial, ethnic, religious, and other minorities; Indigenous, environmental, and land rights defenders; disability rights defenders; lesbian, gay, bisexual, trans, queer, intersex, and other gender diverse defenders; defenders of sex workers and informal, domestic, and low-wage worker rights defenders; migrant, displaced, refugee, or stateless persons and those affected by conflict and occupation; and defenders deprived of their liberty. WHRDs are subject to specific discrimination on the basis of their gender or perceived gender, for the work they do as well as for pertaining to any of the above-mentioned groups.

3. Threats and challenges faced by WHRDs

WHRDs face unique challenges driven by deep-rooted discrimination against women and stereotypes related to gender and sexuality. In addition to the risks of threats, attacks and violence faced by all defenders, WHRDs are exposed to specific risks. Those denouncing the actions of extractive industries and businesses are at heightened risk of attacks and violence, including sexual violence. Rising religious fundamentalisms compounded by the expansion of populist and conservative governments has led to a rollback on human rights and a continued push for so-called ‘traditional and family values’, which is intended to undermine the advancements made on women’s rights, impacting WHRDs and specifically those working on sexual and reproductive health and rights. The current global context of unchecked authoritarianism and the rise of populism, corporate power and fundamentalist groups has become so intense that it now poses an existential threat to WHRDs and their movements. Within this context,

² The UN Special Rapporteur on the situation of human rights defenders, provides: women human rights defenders as both female human rights defenders, and any other human rights defenders who work in the defence of women’s rights or on gender issues (A/HRC/16/44, para 30). The WHRD International Coalition provides: Women who engage in the defense of any and all human rights, and people of all genders who engage in the defense of women’s rights and rights related to gender and sexuality are collectively known as women human rights defenders.

WHRDs face additional barriers of economic and structural discrimination. WHRDs also face particular threats in conflict and post-conflict situations. Situations of armed conflict, militarised masculinities³ and subsequent breakdown of the rule of law, together with a traditionally patriarchal society, create a dangerous environment for women, girls and gender non-conforming people. WHRDs are pivotal in promoting sustainable peace, yet they are constantly excluded, criminalised and experience gender-based violence, including sexual violence or violence targeting them for their gender role in society, which hampers their participation in decision-making processes. WHRDs often face abuses perpetrated by non-State actors including members of their own family, community and faith-based groups, non-State armed groups, private security companies, corporations, and organized crime, among others. In the context of the COVID-19 pandemic, these defenders have continued their invaluable work on the frontlines, providing support to their communities while overburdened with heavy care work responsibilities. The COVID-19 pandemic has exacerbated systems of oppression, discrimination and racism. We have witnessed increased threats and attacks against WHRDs, including domestic violence, psychological violence, physical attacks and killings, increased online harassment, and derogatory and stigmatizing language. WHRDs have lost their livelihoods, had access to health services reduced and been excluded from participating in pandemic responses and are therefore more vulnerable and marginalized.

4. Developments on WHRDs in international and regional bodies and mechanisms

There have been various developments regarding WHRDs in UN bodies and mechanisms. In 2013, General Assembly resolution 68/181 on human rights defenders specifically focused on WHRDs and called upon all States to promote, translate and give full effect to the Declaration on human rights defenders, “including by taking appropriate, robust and practical steps to protect women human rights defenders.” Human Rights Council resolution 23/2 acknowledged the important role of women human rights defenders in the exercise, promotion and protection of the right to freedom of opinion and expression.

General Comment No. 20 (2016) by the Committee on the Rights of the Child specified that States should guarantee adolescents’ right to freedom of association and peaceful assembly, including through the provision of safe spaces for both girls and boys, and that measures should be introduced to protect adolescent human rights defenders, particularly girls, who often face gender-specific threats and violence.⁴ In 2016, General Assembly resolution 31/32⁵ reaffirmed that promoting respect, support and protection for the activities of women human rights defenders is essential to the overall enjoyment of human rights.

In 2017, General Assembly resolution 72/247 on human rights defenders expressed concern about systemic and structural discrimination and violence faced by WHRDs of all ages, and reiterated its strong call upon States to take appropriate, robust and practical steps to protect WHRDs and integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. On International Women Human Rights Defenders Day in 2018, a group of UN human rights experts⁶

³ <https://reachingcriticalwill.org/images/documents/Publications/aws-and-patriarchy.pdf>

⁴ A/HRC/40/60 (‘Forst’).

⁵ A/HRC/RES/31/32

⁶ The UN Committee on the Elimination of Discrimination against Women; Ms. Agnes Callemard, Special Rapporteur on extrajudicial, summary or arbitrary executions; Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders; Ms. Dubravka Šimonović, Special Rapporteur on violence against women, its causes and consequences; Ms. Elizabeth Broderick, Ms. Alda Facio, Ms. Ivana Radačić (Chair), Ms. Meskerem Geset Techane (Vice Chair), Ms. Melissa Upreti, Working Group on the issue of discrimination against women in law and in practice.

issued a joint statement urging States to protect WHRDs. That same day, UN Women's Executive Director stated that WHRDs are key to the realization of the Beijing Declaration and Platform for Action.⁷

In 2019, Human Rights Council resolution 40/11 on environmental human rights defenders⁸ recognized "the importance of gender equality, the empowerment of women and the role women play as managers of natural resources and agents of change in the safeguarding of the environment, as well as the multiple and intersecting forms of violence and discrimination against women human rights defenders".⁹ Resolution 40/11 also recognised "the need to develop protection mechanisms for environmental human rights defenders, taking into account the intersectional dimensions of violations against women human rights defenders, indigenous peoples, rural and marginalized communities, and persons belonging to minorities, and to take concrete steps to prevent and stop the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law."¹⁰

A joint statement by a group of Chairs, Vice-Chairs and members of the UN Treaty Bodies and the Special Rapporteur on the situation of human rights defenders in 2019 urged States to adopt laws and policies that specifically guarantee the protection of human rights defenders, with particular reference to the situation and protection needs of groups of human rights defenders in vulnerable situations, such as WHRDs.¹¹

WHRDs have been mentioned in various Agreed Conclusions of the UN Commission on the Status of Women. In the most recent concluding observations in 2019, the Commission welcomed their contributions and called on States to support the important role of WHRDs, take steps to protect WHRDs and integrate a gender perspective into the creation of a safe and enabling environment for the defence of human rights, and to prevent violations and abuses and combat impunity by taking steps to ensure that violations or abuses are promptly and impartially investigated and that those responsible are held accountable.¹²

Resolution 2493¹³, adopted by the Security Council on 29 October 2019, strongly encourages Member States to create safe and enabling environments for women "who protect and promote human rights, to carry out their work independently and without undue interference, including in situations of armed conflict, and to address threats, harassment, violence and hate speech against them."

⁷<https://www.unwomen.org/en/news/stories/2018/11/statement-ed-phumzile-international-women-human-rights-defender-day>.

⁸ Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development, Resolution 40/11 adopted by the Human Rights Council on 21 March 2019

⁹ Ibid. PP13

¹⁰ Ibid. PP18

¹¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23154&LangID=E> (The statement was endorsed by the Committee on Enforced Disappearances, the Committee on the Rights of Persons with Disabilities, the Committee on Migrant Workers, the Special Rapporteur on Human Rights Defenders, and the following Treaty Body members in their individual capacity: Virginia Brás-Gomes, CESCR Chair; Dalia Leinarte, CEDAW Chair; Noureddine Amir, CERD; Felice Gaer, CAT Vice-Chair; Marcia Kran, HRCtte member; Olga Khazova, CRC Vice-Chair and Satyabhooshun Gut Domah, SPT member).

¹² Concluding Observations, 2019 Commission on the Status of Women, pp 43 and (ooo). <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/63/conclusions63-en-letter-final.pdf?la=en&vs=3258>

¹³ S/RES/2493 (2019)

UN Special Rapporteur mandate holders and specifically the Special Rapporteur on the situation of human rights defenders, has reported on WHRDs in various reports and communications, including specifically on the rights of WHRDs.¹⁴ The “UN Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders” published just this month by the UN Working Group on the issue of human rights and transnational corporations and enterprises (also known as the Working Group on Business and Human Rights) also referred to WHRDs.¹⁵ Specifically, that defenders should be consulted in assessing the impacts of a business’ activities and those selected to represent communities should include voices of marginalised groups including WHRDs; and that the specific needs to WHRDs should be addressed in judicial, administrative, legislative or other means to access remedy.¹⁶ The Working Group has also called for measures to respect, protect and promote the work of women human rights defenders in its guidance “Gender Dimensions of the Guiding Principles on Business and Human Rights” issued in 2019.¹⁷

WHRDs also play a critical role in the 2030 Agenda for Sustainable Development, through which Governments have committed to achieving gender equality and empowering all women and girls (Sustainable Development Goal 5) and other gender-specific targets.¹⁸

At the regional level, the African Commission on Human and Peoples’ Rights has adopted resolutions recognizing threats and attacks against WHRDs and the need for measures to protect them and promote their work.¹⁹ The Inter-American Commission on Human Rights has urged States in the region to guarantee and support their right to defend rights, and adopt comprehensive, appropriate, and specialized protection measures that include a gender perspective so that WHRDs can freely carry out their work.²⁰

5. CEDAW Committee’s recognition of and support to WHRDs

Below are references by the CEDAW Committee in its work in relation to WHRDs; this is not an exhaustive list.

Concluding Observations

The CEDAW Committee has made various references to WHRDs in concluding observations related to a number of countries. It expressed concern about the increasingly restrictive and oppressive measures taken over the years, such as imprisonment, against representatives of civil society organizations, women’s organizations, women human rights defenders, journalists and other activists”, in Turkey.²¹ With regard to Mexico, it expressed “deep concern about the risks that women human rights defenders and journalists face in the exercise of their professional activities...including references to “different

¹⁴ A/HRC/40/60, especially paragraphs 33, 47, 108c, and 110.

¹⁵ A/HRC/47/39/Add.2

¹⁶ A/HRC/47/39/Add.2, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises: The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders.

¹⁷ UN report A/HRC/41/43 (2019). Also available as a booklet at:

<https://www.ohchr.org/Documents/Issues/Business/BookletGenderDimensionsGuidingPrinciples.pdf>

¹⁸ A/HRC/40/6 at para 22

¹⁹ A/HRC/40/60 at para 21.

²⁰ <https://reliefweb.int/report/world/iachr-calls-states-recognize-and-protect-work-women-human-rights-defenders>.

²¹ CEDAW/C/TUR/CO/7, 2016, P. 3

manifestations of violence, such as threats and defamation campaigns, sexual abuse, harassment and femicide”²² as well as about “delays in the response of the relevant authorities to guarantee the human rights of women human rights defenders and journalists, in particular, freedom of expression, life, liberty and integrity of the person as well as access to justice...” as well as concern “that most of the cases involving violence against women human rights defenders and journalists have been committed by state agents, and that there have been no efforts to duly prevent, investigate, prosecute and punish perpetrators”.²³ In its concluding observations on Thailand, the CEDAW Committee expressed concern that women human rights defenders, particularly those advocating for land rights, protection of the environment, and the rights of indigenous, rural, lesbian, bisexual and transgender women and Muslim women, were being increasingly targeted through lawsuits, harassment, violence and intimidation by authorities and business enterprises due to their work.²⁴

It has, most recently, recommended that Cambodia “fully guarantee the rights of women human rights defenders, trade union leaders, land and environmental activists and members of the political opposition party, particularly their rights to freedom of expression, assembly and association, without harassment, surveillance or other undue restrictions.”²⁵ It has called on the DRC and Mexico to adopt and implement laws for the protection of human rights defenders. It further called on the DRC to “(b) Guarantee that women human rights defenders and activists can freely carry out their activities protecting women’s human rights and exercise their rights to freedom of peaceful assembly and association; (c) Prevent discrimination against women human rights defenders and ensure their protection from violence and intimidation and investigate, prosecute and sanction all abuses against them; (d) Amend or repeal any provisions contained in the draft laws concerning non-profit organizations, counter-terrorism, public demonstrations, freedom of the press and access to information to ensure that they are in conformity with international human rights standards and instruments ratified by the State party.”²⁶ It has called on Cote d’Ivoire to “adopt and implement effective measures to protect women human rights defenders... and ensure the effective implementation of article 9 of Law No. 2014-388”, the provision on the defender protection law relevant to WHRDs).²⁷ It has called on Mexico to “prioritize the establishment of the Protection Mechanism for Human Rights Defenders and Journalists provided for in the Law for the Protection of Human Rights Defenders and Journalists and ensure that it includes a gender approach... to take concrete, adequate and effective measures to prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against women human rights defenders and journalists as well as take effective measures to combat impunity.”²⁸ It has recommended that Ethiopia ensures that civil society organizations, including women human rights defenders and activists, are able to freely carry out their work of protecting women’s human rights.²⁹ Finally it has called on Colombia to “(c) Ensure the sustainability of the strategy for the investigation and prosecution of homicides ...by allocating resources and strengthening knowledge on methodologies for the investigation of cases of violations against women human rights defenders; (d) Conduct public awareness-raising campaigns to raise knowledge of the important role of women human rights defenders in promoting peace and human rights; (e) Provide capacity-building for law enforcement officers with the purpose of eliminating inadequate behaviour and

²² CEDAW/C/MEX/CO/7-8, para 24.

²³ CEDAW/C/MEX/CO/7-8, para 24.

²⁴ CEDAW/C/THA/CO/6-7

²⁵ CEDAW/C/KHM/CO/6 (CEDAW, 2019), 19

²⁶ CEDAW/C/COD/CO/8 (CEDAW, 2019), 43

²⁷ CEDAW/C/CIV/CO/4 (CEDAW, 2019) m P. 36

²⁸ CEDAW/C/MEX/CO/7-8, para 25.

²⁹ CEDAW/C/ETH/CO/8 (CEDAW, 2019), 30

attacks against women human rights defenders.”³⁰ The CEDAW Committee has called on the Philippines to “Investigate and prosecute all acts of violence against indigenous women human rights defenders, provide effective remedies to the victims and prevent the recurrence of such acts.”³¹ The Committee has urged Afghanistan “to protect the life, personal liberty and security of women human rights defenders.” It has recommended Zimbabwe to “prevent, investigate and adequately punish politically motivated violence against women human rights defenders.”³²

A recent Briefing by UN Women entitled “UN Leaving no woman or girl behind: Trends in specific recommendations issued by the CEDAW Committee”³³ analyses trends in relation to specific recommendations issued by the CEDAW Committee on groups of women that face intersectional inequality and discrimination. The briefing concludes that the most predominant recommendations found in the 40 countries that received specific recommendations regarding civil society organizations, non-governmental organizations or WHRDs addressed the need for WHRDs to be protected from discrimination, intimidation, retaliation and violence by establishing effective protection measures, ending impunity for acts of abuse and attacks against WHRDs and ensuring that WHRDs are able to exercise all their human rights.³⁴ With regard to Indigenous women, recommendations to prosecute, investigate and prevent recurrence of violence against Indigenous defenders was one of the most common recommendations found in the 26 countries receiving recommendations on Indigenous women.³⁵ Similarly, addressing the stigmatization of lesbian, bisexual and transgender women and intersex persons and/or defenders of these groups was one of the most common recommendations found in the 30 countries that received recommendations on LGBTI defenders.³⁶

List of issues

The CEDAW Committee has referenced WHRDs in Lists of Issues provided to States parties for their periodic reports. It has on numerous occasions asked State parties to indicate measures taken to address allegations of acts of reprisals,³⁷ intimidation, harassment and violence committed against WHRDs³⁸ including at risk WHRDs such as “(a) defenders of the rights of indigenous peoples; (b) defenders of the

³⁰ CEDAW/C/COL/CO/9 (CEDAW, 2019), 18

³¹ CEDAW/C/PHL/CO/7-8, 2016, P. 14

³² CEDAW/C/ZWE/CO/6, para 28(d)

³³ Leaving no woman or girl behind: Trends in specific recommendations issued by the CEDAW Committee, https://mcusercontent.com/ff9f2a2de058fd0d00c70a2ba/files/c58b7961-9254-4148-90a8-0c3348882f44/Analysis_CEDAW_Concl_Obs_Rec_LNOB_groups_women_and_CSO_FINAL_18_September_2020_formatted.pdf

³⁴ Leaving no woman or girl behind: Trends in specific recommendations issued by the CEDAW Committee, https://mcusercontent.com/ff9f2a2de058fd0d00c70a2ba/files/c58b7961-9254-4148-90a8-0c3348882f44/Analysis_CEDAW_Concl_Obs_Rec_LNOB_groups_women_and_CSO_FINAL_18_September_2020_formatted.pdf at page 19

³⁵ Leaving no woman or girl behind: Trends in specific recommendations issued by the CEDAW Committee, https://mcusercontent.com/ff9f2a2de058fd0d00c70a2ba/files/c58b7961-9254-4148-90a8-0c3348882f44/Analysis_CEDAW_Concl_Obs_Rec_LNOB_groups_women_and_CSO_FINAL_18_September_2020_formatted.pdf at page 14

³⁶ Leaving no woman or girl behind: Trends in specific recommendations issued by the CEDAW Committee, https://mcusercontent.com/ff9f2a2de058fd0d00c70a2ba/files/c58b7961-9254-4148-90a8-0c3348882f44/Analysis_CEDAW_Concl_Obs_Rec_LNOB_groups_women_and_CSO_FINAL_18_September_2020_formatted.pdf at page 17

³⁷ CEDAW/C/CHN/Q/9 at para 13, CEDAW/C/NIC/Q/7-10 at para 14

³⁸ CEDAW/C/IDN/Q/8 at para 12

rights of lesbians and gay men; and (c) advocates of public awareness-raising about HIV/AIDS.”³⁹ It has asked State parties to provide information regarding laws⁴⁰ and procedures to enforce the human rights of WHRDs.⁴¹ It has asked for measures taken to release WHRDs from detention,⁴² “measures taken to ensure freedom of expression and respect for legal procedures in cases of arrest and detention, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)”⁴³ and “statistical data on prosecutions and convictions of perpetrators of discrimination, harassment, intimidation and reprisals against women human rights defenders and environmental activists, including on the type of sentences imposed, and information on the reparations, rehabilitation and compensation provided.”⁴⁴ It has asked State parties to provide “measures taken to protect the rights to freedom of expression, opinion and assembly”⁴⁵ of WHRDs. It has also asked for information regarding measures taken by State parties to “protect the residence status and prevent deportations of women human rights defenders and women participating in political protests”⁴⁶ and for measures taken to enable WHRDs’ access to funding⁴⁷ including foreign funding⁴⁸.

General Recommendations

The CEDAW Committee has also referred to WHRDs in general recommendations. It specifically recognises the roles of WHRDs in conflict prevention, conflict and post-conflict situations in General Recommendation No. 30. 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.”⁴⁹ It further calls on States to “address the specific risks and particular needs” of WHRDs.⁵⁰ General Recommendation 33 recognises the right of WHRDs to be “able to access justice, and to receive protection from harassment, threats, retaliation and violence.”⁵¹ General Recommendation 34 recognises the role of 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”.⁵² General Recommendation 35 highlights that “discrimination against women was inextricably linked to other factors’ that included stigmatisation of women who fight for rights.” It further states that “harmful practices and crimes against

³⁹ CEDAW/C/IDN/Q/6-7 at para 22

⁴⁰ CEDAW/C/FJI/Q/5 at para 4

⁴¹ CEDAW/C/HND/Q/7-8 at para 9

⁴² CEDAW/C/YEM/Q/7-8/Rev.1

⁴³ CEDAW/C/ARE/Q/4

⁴⁴ CEDAW/C/BOL/Q/7; *See also* CEDAW/C/COL/Q/9 at para 13

⁴⁵ CEDAW/C/SSD/Q/1

⁴⁶ CEDAW/C/NIC/Q/7-10 at para 14

⁴⁷ CEDAW/C/ERI/Q/6 at para 10

⁴⁸ CEDAW/C/GMB/Q/4-5 at para 1

⁴⁹ CEDAW/C/GC/30 General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations at para 37

⁵⁰ CEDAW/C/GC/30 General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations at para 57(b)

⁵¹ CEDAW/C/GC/33 General recommendation No.33 on women’s access to justice at para 15(i)

⁵² CEDAW/C/GC/34 General recommendation No.34 on the rights of rural women at para 25(e)

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.”⁵³

Individual Complaints

The Committee, in considering an individual complaint in relation to the rights of a WHRD, found that Libya violated the rights of a WHRD and issued recommendations to better respect, protect and support the work of WHRDs.⁵⁴ This is the first decision by the CEDAW Committee in respect of an individual complaint finding a violation of the rights of WHRDs.

6. The right to defend rights

WHRDs face threats, intimidation, attacks, discrimination and exclusion, and restrictions in law and/or practice for exposing the situation of the rights of women and others in their country. In addition, WHRDs face reprisals for engaging or seeking to engage with the UN or other multilateral organisations and spaces; this includes engaging in human rights mechanisms, the Security Council, as well as other parts of the UN system. In these circumstances, they, as well as other advocates, may be put in a situation where they are forced to discontinue this work. The impacts also go beyond the particular defenders targeted, as they have a chilling effect on others working on similar issues.

As explained in the joint statement by the UN Special Rapporteur on human rights defenders and members of the UN human rights treaty bodies, “The Treaty Bodies consider any interference, intimidation, abuse, threat, violence, reprisal or undue restrictions against human rights defenders as constituting violations of States parties’ obligations towards the realization of rights set out in the Treaties.”⁵⁵

WHRDs have a right to discuss human rights ideas and principles and to advocate for their acceptance. They have for decades been at the forefront of human progress, including on issues relating to gender and bodily autonomy, which tend to be contested or considered controversial by those in power. Because of their critical work, they have been amongst the first to be smeared, delegitimized and attacked by those wanting to maintain patriarchal structures.

For the rights of WHRDs to be realised in practice, States must ensure a safe and enabling environment for them to continue to promote and protect human rights without fear of reprisals.⁵⁶ This obligation is implicit in the normative content of WHRDs’ rights, as a failure to protect WHRDs amounts to a violation

⁵³ CEDAW/C/GC/35 General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 at para 14

⁵⁴ CEDAW/C/78/D/130/2018

⁵⁵ Joint statement by a group of Chairs, Vice-Chairs and members of the United Nations human rights Treaty Bodies and the UN Special Rapporteur on Human Rights Defenders, 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23154&LangID=E>; Echoed by (1) the Committee on Economic Social and Cultural Rights: “any threats or violence against human rights defenders constitute violations of the obligations of States towards the realization of Covenant rights, since human rights defenders also contribute through their work to the fulfilment of those rights,” para 5, 2016, E/C.12/2016/2; (2) the Working Group on Enforced Disappearances: “When an individual becomes a victim of enforced disappearance as a result of exercising or promoting economic, social and cultural rights, the enjoyment of those rights is also violated. For instance, the disappearance of a teacher who promoted cultural rights also interferes with the right to cultural life as well as the exercise of students’ right to education,” A/HRC/22/45, para 69, as cited in A/HRC/30/38/Add.5.

⁵⁶ On elements of a safe and enabling environment, see Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, 2013, UN Doc. A/HRC/25/55

of CEDAW itself. A safe and enabling environment for WHRDs requires systemic change. Rising authoritarianism, nationalism, militarization, corporate greed, corruption and extremism have intensified attacks on human rights, democracy, and information. White supremacy, racism, xenophobia, occupation, colonialism, and settler violence, intersect with patriarchy, homophobia, transphobia, ableism, ageism, and other discriminatory systems, threatening the lives and security of marginalized groups. Conflict and post-conflict contexts are often complex and unsafe environments for WHRDs to openly speak about concerns over business investments, especially if the investments are beneficial for the ruling elites. Austerity measures,⁵⁷ as part of structural reform programmes, can have serious impacts on the economic and other rights of women and girls, including on sexual and reproductive rights, as well as on gender-based violence and can also restrict WHRDs' ability to participate in decision-making processes at all levels. Across every region, the COVID-19 pandemic has exacerbated these inequities. Corporations and elites are consolidating their power and states are using the pandemic as an excuse to increase repression and surveillance, erode human rights, including by restricting sexual and reproductive rights, and persecute WHRDs. WHRDs – especially those who face intersecting forms of discrimination and violence – are particularly at risk, both because they are disproportionately impacted by the pandemic and because they are disproportionately targeted for attacks and excluded from decision-making.

7. Recommendations for action

In response to the situation faced by WHRDs, it is essential to address the following elements:

- The rising harassment, threats, attacks and intimidation of WHRDs, recognizing the multiple and intersecting forms of discrimination and violence faced by WHRDs from historically oppressed and marginalized groups.
- The need to include women human rights defenders in decision-making, in particular in laws, policies and programmes.
- The gender-based and intersectional dimensions of the persecution faced by WHRDs;
- The severe consequences and human rights violations resulting from acts of sexual violence, reproductive violence, and forced displacement of WHRDs and their family's right to life, health, reproductive health, autonomy, privacy, integrity, not to be subjected to torture or cruel and inhumane treatment, and not to be subjected to violence and discrimination.
- The obligation of States to address the physical and mental health consequences of sexual violence, including ensuring timely and confidential access to the full range of sexual and reproductive health services, including emergency contraception and abortion.
- The obligation of States to take all appropriate measures, including legislation and appropriate policies, to eliminate discrimination against WHRDs; to recognise, consult and protect WHRDs, recognizing the expertise and knowledge accumulated by them; to efficiently prevent violence and attacks against WHRDs and other violations of their rights; to combat impunity by processing complaints made by WHRDs in a timely manner, guaranteeing thorough, independent investigations of reports of violence and attacks against WHRDs, and ensuring effective remedies for WHRDs, including reparations.
- States' obligations to guarantee the right to justice, protective measures and comprehensive rehabilitation, restitution and reparation measures to WHRDs, in particular for those who have had to flee violence, and / or have been victims of rape and forced pregnancies, among others.
- The prevalence of sexual violence against women as a tool of power and a form of retaliation to instill fear and displace leaders and defenders of the land, including Indigenous peoples from their ancestral lands and territories.

⁵⁷ see https://wilpf.org/wp-content/uploads/2018/03/Final_WILPF_submission_OHCHR_CSO-31-Oct-2017.pdf

- National level policy-making essential to protect and fight structural discrimination and exclusion faced by WHRDs, including positive measures such as specific funding, prompt and effective protection measures and other measures to give specific support to WHRDs and women-led groups that are historically marginalised, based on their specific situation.
- The inherent legitimacy of advocacy activities for the promotion and protection of human rights and WHRDs' invaluable leadership in efforts to realize human rights, social justice, sustainable development, and peace for all.
- The threats, intimidation, harassment, stigmatisation, and other violations against women peace activists and peacebuilders and other WHRDs working in conflict-affected settings. The CEDAW Committee's General Recommendation 30 is relevant in this regard.
- Attacks against and restrictions upon WHRDs may amount to a violation not only of the rights of the defenders themselves, but of the rights for which they advocate.
- Actions by non-State actors, and business in particular, and their human rights responsibility to contribute to a safe and enabling environment for the promotion and protection of women's and girls' rights, including under CEDAW, while at the same time reiterating State parties' obligations, including extraterritorial, in relation to the regulation of business actors and access to justice for victims of corporate abuse, the impact of arms proliferation, surveillance technologies, militarisation of society on WHRDs, including with regard to their participation in decision-making, and multilateral processes and institutions.
- The impact of other securitisation measures such as counter terrorism measures, restrictions to freedom of expression and assembly, state of emergencies, etc., which have the effect of generally restricting civil society space but which also have gendered impacts on WHRDs.
- Regressive effects of structural economic reforms, such as austerity measures can have on redistribution of resources and investments in public services and institutions, including on access to sexual and reproductive health services that can affect the ability of WHRD to exercise their right to advocate or defend themselves.
- Responses to the COVID-19 pandemic must uphold international human rights law, including protection of civic space, freedom of expression, assembly and information for WHRDs to carry out their work.
- A resolve to combat intimidation and reprisals against those who provide information, or seek to contribute to the work of human rights mechanisms to promote and protect women's rights.
- The need for States to ensure that WHRDs receive the protection and remedies that are specific to their needs, in consultation with the WHRDs themselves. On the basis of recognition that WHRDs face violations from the perspective of two different categorisations:
 - Gender-based threats and violence against WHRDs, which is regularly used by State and non-State actors against WHRDs as a consequence of the work they do or as a means of discouraging their engagement in human rights work.
 - Violations of the rights of WHRDs that have gendered consequences. This refers to violations that may be experienced by any gender, but may have different consequences for WHRDs because different social and cultural norms govern the gender identity, gender expression, sexuality, and gender role of women in different contexts.