

# CHALLENGES FACED BY WOMEN HUMAN RIGHTS DEFENDERS WORKING IN CONFLICT, POST-CONFLICT OR CRISIS-AFFECTED SETTINGS

## SUBMISSION TO THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS

Amnesty International submits this document in response to the call for inputs<sup>1</sup> to inform the next report of the Special Rapporteur on the situation of human rights defenders to the UN General Assembly in October 2023.

### CHALLENGES FACED BY WHRDS IN A CONTEXT OF CRISIS, CONFLICT AND POST-CONFLICT

Around the world, whether in a context of conflict or peace, of crisis or of “business as usual”, WHRDs continue to be smeared and verbally abused, threatened, attacked, criminalized, arbitrarily detained, and killed. In addition to the threats faced by all HRDs, WHRDs face gender specific forms of verbal and physical violence, including sexual violence as a form of torture, and encounter further challenges, such as misogyny, homophobia and transphobia, stigmatization and marginalization, and barriers to their right to freedom of expression, association and assembly, just because of who they are and/or because the rights they defend are connected to women’s rights, gender equality and sexuality.<sup>2</sup>

Human rights violations against WHRDs happen as part of a series of challenging and hostile contexts and deep-rooted structures of power. These have been conceptualized over the years by the feminist movement and well documented by many groups, including the Women Human Rights Defenders International Coalition (WHRD-IC). The main toxic structures of power and contexts identified by the WHRD-IC include: patriarchy and heteronormativity, fundamentalisms and extremisms, neoliberal policies, crises of democracy and governance, militarism and widespread violence in society.<sup>3</sup>

The militarization of public security, and situations of conflict, post-conflict and other types of crises (political, humanitarian, governance), the breakdown of the rule of law and the widespread repression and violence they create in communities, intensify and exacerbate the risks for all women, LGBTI people and others facing discrimination, particularly intersecting forms of discrimination, leading to increasing challenges also for WHRDs. For example, WHRDs working on peace and demilitarisation are often labelled as traitors to national security, accused of working for foreign interests and targeted by both State actors and armed groups. Violence, or the threat of violence, is used to intimidate and keep women and WHRDs “in their place”. As noted by the Committee on the Elimination of Discrimination against Women (CEDAW), in a context of conflict and post conflict, “specific groups of women and girls are at particular risk of violence, especially sexual violence, such as internally displaced and refugee women; women human rights defenders; women belonging to diverse caste, ethnic, national, religious or other minorities or identities who are often attacked as symbolic representatives of their community; widows; and women with disabilities”.<sup>4</sup>

<sup>1</sup> Call for input to the report of the Special Rapporteur on human rights defenders to the General Assembly on the challenges faced by woman human rights defenders working in conflict, post-conflict or crisis-affected settings, [ohchr.org/en/calls-for-input/2023/call-input-report-special-rapporteur-human-rights-defenders-general-assembly](https://www.ohchr.org/en/calls-for-input/2023/call-input-report-special-rapporteur-human-rights-defenders-general-assembly)

<sup>2</sup> Amnesty International, *Challenging power, fighting discrimination: A call to action to recognise and protect women human rights defenders*, 29 November 2019, [amnesty.org/en/documents/act30/1139/2019/en/](https://www.amnesty.org/en/documents/act30/1139/2019/en/)

<sup>3</sup> Women Human Rights Defenders International Coalition, *Gendering documentation. A Manual for and about Women Human Rights Defenders*, 2016, [defendingwomen-defendingrights.org/wp-content/uploads/2016/09/GENDERING-DOCUMENTATION-FINAL-3-min.pdf](https://defendingwomen-defendingrights.org/wp-content/uploads/2016/09/GENDERING-DOCUMENTATION-FINAL-3-min.pdf)

<sup>4</sup> General Recommendation No. 30 on women in conflict prevention, conflict and post conflict situations, Committee on the elimination of discrimination against women, 18 October 2013, UN Doc. CEDAW/C/GC/30, paras. 35 and 36.

As a result of the context of global setbacks to human rights protections, all HRDs are faced with personal attacks and attacks on civic space, and states may be unwilling or unable to protect them. In addition, WHRDs may be the first to be targeted because they stick out for challenging patriarchy and other structures of power, and to send a message to instil fear in the rest of the movement.

Some of these attacks are acts of gender-based violence against women, LGBTI and gender non-conforming people to punish them because of the work they do or as a means of discouraging their engagement in human rights work. Other attacks are acts with gendered consequences, that is human rights violations inflicted regardless of their gender but with different impacts for WHRDs because of the social and cultural norms governing gender identity, sexuality, and gender roles. In the words of the Mesoamerican WHRD Initiative: “When we speak about WHRDs, we have specific protection needs. This is not because we suffer a greater number of attacks than men (although this is true in the case of sexual assault), but because we suffer differently from the same kinds of attacks. We also suffer from attacks that are very different in nature, or that occur in very different circumstances. Most especially, since our lives, knowledge, bodies, and minds are undervalued in our societies, communities, organizations and families, we must make a greater effort to understand and act upon these ‘human rights violations’ and the ‘need for protection’ faced by WHRDs.”<sup>5</sup>

Below are some examples of the ways in which WHRDs are attacked.

During the widespread 2018 protests in **Sudan**, many women human rights defenders were specifically targeted with arbitrary detentions,<sup>6</sup> and many women protesters were reported to have been sexually harassed, raped and killed.<sup>7</sup> According to the WHRD MENA coalition, dozens of WHRDs were subjected to arbitrary detention that lasted for months and many women protestors were detained and spent hours in police detention centres. A new wave of arrests began in February 2019, following the declaration of the state of emergency in Sudan.<sup>8</sup> Since the start of new fighting in April 2023, there are growing reports of women killed and sexually assaulted, as well as a deepening humanitarian crisis, affecting all WHRDs who are trying to document abuses and support victims.<sup>9</sup> For example, WHRDs (including some who are healthcare professionals) reported receiving threats, following a defamation campaign against them for calling an end to the war.<sup>10</sup> Amnesty International documented direct threats by both parties to the conflict to at least two WHRDs, including one healthcare professional. One of them is in hiding in Sudan while the other fled to another country.

Women and girls in **Iran** have been at the forefront of an unprecedented popular uprising that erupted after the death in custody of Mahsa (Zhin) Aminii at the hands of Iran’s “morality” police on 16 September 2023. They continue to challenge decades of gender-based discrimination and violence, defy discriminatory and abusive compulsory veiling laws and protest in support of human rights, freedom and accountability despite the Iranian authorities’ violent crackdown. The Iranian authorities’ response to the popular uprising involved the extensive and unlawful use of live ammunition, metal pellets and tear gas as well as severe beatings. Amnesty International recorded the names of hundreds of protesters and bystanders unlawfully killed by security forces, including women and girls.<sup>11</sup> Since November 2022, thousands of schoolgirls have been poisoned in what appears to be a coordinated campaign to punish them for their peaceful participation in the protests, including through acts of resistance such as removing their mandatory hijabs and showing their hair in public while in school uniform.<sup>12</sup> Prior to the popular uprising, since late 2017, Iranian authorities were already subjecting WHRDs to arbitrary arrest and detention, enforced disappearance, torture and other ill-treatment, unjust prosecutions and lengthy prison sentences for peacefully campaigning against the country’s abusive,

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<sup>5</sup> Mesoamerican Initiative of Women Human Rights Defenders, Violence against women human rights defenders in Mesoamerica, 2012- 2014 report, [awid.org/sites/default/files/atoms/files/286224690-violence-against-whrds-in-mesoamerica-2012-2014-report.pdf](http://awid.org/sites/default/files/atoms/files/286224690-violence-against-whrds-in-mesoamerica-2012-2014-report.pdf)

<sup>6</sup> WHRD MENA Coalition, Women Human Rights Defenders in Sudan: Arbitrary Detentions and Unfair Trials, 2019, [whrdmena.org/2019/04/10/women-human-rights-defenders-in-sudan-arbitrary-detentions-and-unfair-trials/?lang=en](http://whrdmena.org/2019/04/10/women-human-rights-defenders-in-sudan-arbitrary-detentions-and-unfair-trials/?lang=en)

<sup>7</sup> Amnesty International, “They descended on us like rain”: Justice for victims of protest crackdown in Sudan (AFR 54/1893/2020), 10 March 2020, <https://www.amnesty.org/en/documents/afr54/1893/2020/en/>

<sup>8</sup> Women Human Rights Defenders in Sudan: Arbitrary Detentions and Unfair Trials, <https://whrdmena.org/2019/04/10/women-human-rights-defenders-in-sudan-arbitrary-detentions-and-unfair-trials/?lang=en>

<sup>9</sup> UN Special Representative of the Secretary-General on Sexual Violence in Conflict expresses grave concern over alleged acts of sexual violence in Sudan during the ongoing violence, 24 May 2023, [un.org/sexualviolenceinconflict/press-release/un-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-expresses-grave-concern-over-alleged-acts-of-sexual-violence-in-sudan-during-the-ongoing-violence/](http://un.org/sexualviolenceinconflict/press-release/un-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-expresses-grave-concern-over-alleged-acts-of-sexual-violence-in-sudan-during-the-ongoing-violence/) and SUWRA, Joint Brief: War in Sudan: Situation of Women and WHRDs, 2 May 2023, [suwra.org/blog/2023/05/02/joint-brief-war-in-sudan-situation-of-women-and-whrds/](http://suwra.org/blog/2023/05/02/joint-brief-war-in-sudan-situation-of-women-and-whrds/)

<sup>10</sup> ISHR, The Human Rights Council must urgently establish an international investigation in Sudan, [ishr.ch/latest-updates/hrc-must-urgently-establish-international-investigation-in-sudan/](http://ishr.ch/latest-updates/hrc-must-urgently-establish-international-investigation-in-sudan/)

<sup>11</sup> Amnesty International Annual Report 2022/23, (POL 10/5670/2023), 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](http://amnesty.org/en/documents/pol10/5670/2023/en/)

<sup>12</sup> Amnesty International, *Iran: Millions of schoolgirls at risk of poisoning* (MDE 13/6696/2023), 19 April 2023, [amnesty.org/en/documents/mde13/6696/2023/en/](http://amnesty.org/en/documents/mde13/6696/2023/en/)

discriminatory and degrading forced veiling laws. Human rights lawyer Nasrin Sotoudeh was sentenced to a total of 38 years in prison and 148 lashes after two grossly unfair trials for charges including “inciting and facilitating corruption and prostitution”, solely in relation to her human rights work. According to Iran’s sentencing guidelines, she will have to serve 17 years of her sentence, and at the time of writing, was out of prison on temporary medical leave.<sup>13</sup> Arbitrarily detained human rights defender Narges Mohammadi, held in the women’s ward of Tehran’s Evin prison, is serving a lengthy prison sentence in relation to her peaceful human rights work, and faces reprisals for continuing her activism, including documenting human rights violations from inside prison, and speaking out against them as well as other human rights concerns in Iran.<sup>14</sup>

In **Afghanistan**, journalists, members of the media, LGBTI people, human rights defenders and individuals from some ethnic minorities<sup>15</sup> have been specifically targeted by the Taliban de facto authorities that took power in August 2021. Many WHRDs have been forced to flee the country or hide. Women’s rights have been severely and systematically restricted, and human rights violations against women and girls are so widespread and systematic, they may amount to the crime against humanity of gender persecution.<sup>16</sup> Those who are perceived to transgress norms imposed by the Taliban face severe punishments, and this includes WHRDs and women who carried out legitimate activities in favour of women’s and girls’ rights, such as protection services for survivors of gender-based violence before the Taliban takeover. Women and girls who dared to protest for the right to work or to education, have also been violently repressed, beaten and arrested and tortured.<sup>17</sup> Others were arrested just for taking part in a press conference.<sup>18</sup>

In **Colombia**, scores of women, girls and LGBTI+ people taking part in the national strike of 2021 were targeted by police with gender-based violence, including sexual violence. The cases documented show that there was a specific intention to punish the victims for contravening social gender norms and going out onto the streets to claim their rights.<sup>19</sup> In response, WHRDs organized to accompany the demonstrations and provide advice in cases of gender-based violence. As of 12 May 2021, more than 90 cases of violence against WHRDs undertaking monitoring activities had been reported. One WHRD told Amnesty International “the attacks reveal clear differentiated aspects compared to the attacks against male defenders, since violence against women defenders is characterized by misogynistic abuse aimed at invading their personal space, violating their bodies and threatening [their] sexuality [...] The responses given by members of the National Police to human rights defenders show on a deeper level that the military doctrine which informs the security forces is based on patriarchal practices and discourse that are called into question by women defenders on the ground, a situation that seems to disconcert officials, who resort to erratic and violent comments and attitudes”. The reports of abuses documented by Amnesty International describe the threats and risks faced by women who play a leadership role and report police abuses, heightened in cases of women with diverse gender identity or expression. In addition to this violence, women who denounce gender-based violence have faced legal proceedings, including officials of the Ombudsperson’s Office who have highlighted this type of incident.<sup>20</sup> This happens in a context in which WHRDs face attacks on regular basis. In 2022 Colombian organization Programa Somos Defensores recorded 189 attacks against WHRD and women social leaders, including 18 killings.<sup>21</sup>

Since the deepening social, political and human rights crisis that started in **Nicaragua** in 2018, local human rights organizations have documented that WHRDs experience differentiated violence, such as gender-based violence, and that they are constant targets of government repressive actions. WHRDs have been subjected to police harassment, unfair

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<sup>13</sup> Amnesty International, Iran: Shocking 33-year prison term and 148 lashes for women’s rights defender Nasrin Sotoudeh, [amnesty.org/en/latest/press-release/2019/03/iran-shocking-33-year-prison-term-and-148-lashes-for-womens-rights-defender-nasrin-sotoudeh/](https://www.amnesty.org/en/latest/press-release/2019/03/iran-shocking-33-year-prison-term-and-148-lashes-for-womens-rights-defender-nasrin-sotoudeh/)

<sup>14</sup> Amnesty International, *Iran: Tortured human rights defender denied medication* (MDE 13/5775/2022), 28 June 2022, [.amnesty.org/en/documents/mde13/5775/2022/en/](https://www.amnesty.org/en/documents/mde13/5775/2022/en/).

<sup>15</sup> Afghanistan: Taliban torture and execute Hazaras in targeted attack – new investigation, [amnesty.org/en/latest/news/2022/09/afghanistan-taliban-torture-and-execute-hazaras-in-targeted-attack-new-investigation/](https://www.amnesty.org/en/latest/news/2022/09/afghanistan-taliban-torture-and-execute-hazaras-in-targeted-attack-new-investigation/)

<sup>16</sup> Amnesty International, *The Taliban’s war on women: The crime against humanity of gender persecution in Afghanistan* (ASA 11/6789/2023), 256 May 2023, [amnesty.org/en/documents/asa11/6789/2023/en/](https://www.amnesty.org/en/documents/asa11/6789/2023/en/)

<sup>17</sup> *The Taliban’s war on women, previously cited.*

<sup>18</sup> Amnesty International, Afghanistan: Women human rights defenders arrested by the Taliban must be immediately released, 14 November 2022, [amnesty.org/en/latest/news/2022/11/afghanistan-women-human-rights-defenders-arrested-by-the-taliban-must-be-immediately-released/](https://www.amnesty.org/en/latest/news/2022/11/afghanistan-women-human-rights-defenders-arrested-by-the-taliban-must-be-immediately-released/)

<sup>19</sup> Amnesty International, *Colombia: The police does not care for me: Sexual violence and other gender-based violence in the 2021 National Strike* (AMR 23/6234/2022), 1 December 2022, [amnesty.org/en/documents/amr23/6234/2022/en/](https://www.amnesty.org/en/documents/amr23/6234/2022/en/)

<sup>20</sup> For more information of cases of attacks on HRDs including WHRDs in the Colombian context, see: Amnesty International, *Why do they want to kill us? Lack of safe space to defend human rights in Colombia* (AMR 23/3009/2020), 8 October 2020, [amnesty.org/en/documents/amr23/3009/2020/en/](https://www.amnesty.org/en/documents/amr23/3009/2020/en/)

<sup>21</sup> Programa Somos Defensores, *Interludio. Informe Anual 2022, 2023*, [https://somosdefensores.org/wp-content/uploads/2023/06/informe-INTERLUDIO-2022\\_PSD-1.pdf](https://somosdefensores.org/wp-content/uploads/2023/06/informe-INTERLUDIO-2022_PSD-1.pdf)

criminalization, smear campaigns and threats.<sup>22</sup> For example, authorities subjected WHRD Violeta Granera to smear campaigns and harassment, including surveillance and monitoring, which intensified in the lead up to her arbitrary detention in June 2021. As a 70-year-old woman with several health issues, she was held in detention in conditions that amount to cruel, inhuman and degrading treatment. She was eventually sentenced after an unfair trial in March 2022 to eight years in prison for the alleged crime of conspiracy to undermine national integrity. These proceedings were designed to frighten the public and send a message to other would-be human rights defenders. On 9 February 2023, she (and hundreds of others) was released from prison and immediately expelled from her country and stripped of her nationality and her old age pension.<sup>23</sup>

In **Belarus**, women are subjected to gender-based stereotyping and discrimination grounded in patriarchal notions of gender roles which present them as “vulnerable” and “weak”, deny them control over their bodies and reductively frame them in caring or parental roles and responsibilities. Ahead of the 2020 presidential election, the government engaged in a severe clampdown on human rights, and women pro-democracy activists were disproportionately affected. Women engaged in political activism and protests were the target of smear campaigns and suffered threats of rape in custody. Some have been threatened with losing custody of their children, in some cases even with the abduction of their children, for their participation in anti-government protests. Women related to the leaders of political protests were also targeted.<sup>24</sup> Aliaksandr Lukashenka, who has been in power since 1994 and whose claim to have been re-elected as president in 2020 was widely disputed, has repeatedly made misogynist statements. Among them is his July 2021 interview in which he said: “I do not wage wars against women.” It is widely recited by independent media and commentators in connect with numerous severe reprisals against women activists, such as lengthy prison sentences based on false charges, and their targeting in prison for inhuman and degrading treatment. There are several cases in which women sentenced in politically motivated trials got longer sentences than their male co-defendants<sup>25</sup> WHRD Marfa Rabkova was the first among several members of the Human Rights Center Viasna arrested in retaliation for their human rights work on the post-2020 election crackdown. On 6 September, she was sentenced to 15 years in prison.<sup>26</sup>

Women in **Libya**, face pervasive gender-based discrimination in law and in practice. Women's and girls' rights have been impacted by the rise of militias and armed groups with Madkhali Salafi members, who adhere to an ultra-conservative Sunni religious ideology, and hold regressive views on the rights of women and girls, religious minorities, and LGBTI+ individuals. This, coupled with a general breakdown in security and the rule of law, has placed individuals who do not conform with gender or societal norms or who advocate for women's and girls' rights at greater risk and have deterred many women from freely participating in the public space. In this context, stigmatization and smear campaigns can have serious consequences for WHRDs, including abductions and physical attacks, leading some to self-censor or leave the country. One WHRD, who was smeared online, told Amnesty International that in the Libyan context “describing an activist as ‘immoral’, or ‘divorced’ is intentionally used to stigmatize an entire group”, in this case women taking action.<sup>27</sup> Another WHRD was forced to leave Libya after she wrote public posts on Facebook criticizing the Libyan Arab Armed Forces (LAAF), an armed group in de facto control of large parts of eastern and southern Libya.<sup>28</sup>

In **South Sudan**, conflict-related sexual violence (CRSV) has been a persistent feature of the conflict that broke in 2013. All parties to the conflict, their allied militias, as well as a non-state armed group that did not sign the 2018 revitalized peace agreement, have committed sexual violence that violates international humanitarian law and constitutes war crimes. CRSV in South Sudan is grounded in historical and pervasive gender inequality, discrimination against women and a patriarchal and militarized society in which women and girls are subordinate to men and boys. Impunity remains the norm and Amnesty International found no evidence of significant progress as it relates to the protection of victims, witnesses and judicial actors. This lack of protection also extends to WHRDs. HRDs working on GBV and CRSV told Amnesty

<sup>22</sup> Amnesty International Report 2021/22 (POL 10/4870/2022), 29 March 2022, [amnesty.org/en/documents/pol10/4870/2022/en/](https://www.amnesty.org/en/documents/pol10/4870/2022/en/)

<sup>23</sup> Amnesty International, *A cry for justice: 5 years of oppression and resistance in Nicaragua* (AMR 43/6679/2023), 18 April 2023, [amnesty.org/en/documents/amr43/6679/2023/en/](https://www.amnesty.org/en/documents/amr43/6679/2023/en/)

<sup>24</sup> Amnesty International, *Belarus: Crackdown from the top: gender-based reprisals against women activists in Belarus* (EUR 49/2748/2020), 17 July 2020, [amnesty.org/en/documents/eur49/2748/2020/en/](https://www.amnesty.org/en/documents/eur49/2748/2020/en/)

<sup>25</sup> Amnesty International, Belarus: Whereabouts of prisoner of conscience Mariya Kalesnikava must be disclosed amid reports of hospitalization, 30 November 2022, [amnesty.org/en/latest/news/2022/11/belarus-whereabouts-of-prisoner-of-conscience-mariya-kalesnikava-must-be-disclosed-amid-reports-of-hospitalization/](https://www.amnesty.org/en/latest/news/2022/11/belarus-whereabouts-of-prisoner-of-conscience-mariya-kalesnikava-must-be-disclosed-amid-reports-of-hospitalization/)

<sup>26</sup> Amnesty International, Belarus: Harsh sentences for Rabkova and co-defendants illustrate crushing of civil society, 6 September 2022, [amnesty.org/en/latest/news/2022/09/belarus-harsh-sentences-for-rabkova-and-co-defendants-illustrate-crushing-of-civil-society/](https://www.amnesty.org/en/latest/news/2022/09/belarus-harsh-sentences-for-rabkova-and-co-defendants-illustrate-crushing-of-civil-society/)

<sup>27</sup> Amnesty International, *Silenced Voices: Libyan Women Human Rights Defenders Under Attack* (MDE 19/8657/2018), 17 July 2018, <https://www.amnesty.org/en/documents/mde19/8657/2018/en/>

<sup>28</sup> *Silenced Voices*, previously cited.

International that they face threats and harassment by alleged perpetrators and/or their family members of survivors that they support. One WHRD told Amnesty International, “When we try to push for justice, we’re told to drop the cases [...] We can’t take legal action because [the suspect] is a person of power.” Another WHRD said that it is difficult to know exactly who works on CRSV, in part because activists fear speaking about it amid the shrinking civic space. This happens in an environment of systematic harassment of civil society, journalists, and government critics by the National Security Service and other government actors.<sup>29</sup>

LGBTI people coming to **Kenya** seeking international protection from persecution and conflict have been the target of attacks, threats and intimidation and discrimination inside Kakuma refugee camp. Those who are also human rights defenders and have been denouncing abuses and protesting, have also been harassed and intimidated because of their activism, arbitrarily arrested. Some of them allege that police have intentionally exposed them to sexual violence by other detainees while in detention.<sup>30</sup>

In **Myanmar**, people who participated in protests and participated in the civil disobedience movement following the 2021 coup, have faced brutal repression. Thousands of people were killed, and more were arrested and faced multiple human rights violations, including torture. Some women and LGBTI detainees were subjected to sexual violence, harassment and humiliation including invasive body searches as a method of torture during interrogation and detention.<sup>31</sup> Thin Thin Aung is a WHRD who has long advocated for peace, equality, and human rights in Myanmar and is the co-founder and director of Mizzima Media. She and another Mizzima staff member were arrested in April 2021 outside her house in Yangon. Both were taken to the Mingalardon interrogation centre and after being tortured for two weeks, were transferred to Yangon’s Insein prison. She was charged under Section 505 (a) of the Penal Code, which criminalizes anyone who “causes fear, spreads false news, agitates directly or indirectly criminal offence against a Government employee” and carries up to three years in prison and/or a fine.<sup>32</sup> She has since been pardoned and released along with thousands of other people unjustly detained. However thousands more remain in arbitrary detention. Reports of enforced disappearance, torture, and other ill-treatment and deaths in custody continue to emerge.

## **CONTRIBUTION OF WHRDS TO HUMAN RIGHTS IN CONFLICT AND PEACE BUILDING**

Despite the robust policy framework on Women, Peace and Security promoted at the UN level recognizing the disproportionate impacts of war on women but also the pivotal role they should play in conflict prevention, conflict management and sustainable peace efforts, WHRDs continue to be excluded from key spaces and are often persecuted for speaking up. The Security Council for the first time in January 2022 held an open debate on addressing violence targeting women in peace and security processes, where several Security Council members stressed the need to do more to provide spaces for women human rights defenders who interact with the body. But even at Security Council level, there is a failure to adequately address the threats to civil society and WHRDs despite efforts to put the issue of reprisals on its formal agenda. The yawning gap between rhetorical commitments and action is one of the clearest challenges in the implementation of the WPS agenda.

Since 2018, more than a third of the women briefers invited by the NGO Working Group of WPD to address the Security Council had been subjected to reprisals and intimidation.<sup>33</sup> The UN Secretary-General highlighted similar trends in his annual report to the Human Rights Council on reprisals against those seeking to cooperate with the UN, as well as in his annual report to the Security Council on WPS.<sup>34</sup>

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<sup>29</sup> Amnesty International, *South Sudan: “If you don’t cooperate, I’ll gun you down”: Conflict-related sexual violence and impunity in South Sudan* (AFR 65/5569/2022), 18 May 2022, [amnesty.org/en/documents/afr65/5569/2022/en/](https://www.amnesty.org/en/documents/afr65/5569/2022/en/)

<sup>30</sup> Amnesty International, *Kenya: “Justice like any other person” – Hate crimes and discrimination against LGBTI refugees* (AFR 32/6578/2023), 19 May 2023, [amnesty.org/en/documents/afr32/6578/2023/en/](https://www.amnesty.org/en/documents/afr32/6578/2023/en/)

<sup>31</sup> Amnesty International, *Myanmar: 15 days felt like 15 years: Torture in detention since the Myanmar coup* (ASA 16/5884/2022), 2 August 2022, [amnesty.org/en/wp-content/uploads/2022/08/ASA1658842022ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2022/08/ASA1658842022ENGLISH.pdf)

<sup>32</sup> Amnesty International, *Myanmar: Human rights defender faces 3 years in prison: Thin Thin Aung* (ASA 16/4502/2021), 21 July 2022, [amnesty.org/en/documents/asa16/4502/2021/en/](https://www.amnesty.org/en/documents/asa16/4502/2021/en/)

<sup>33</sup> UN Security Council, *Women and peace and security - Report of the Secretary-General*, 5 October 2022, UN Doc. S/2022/740, para. 12.

The Working Group also noted there were no references to WHRDs in any outcome documents adopted by the Security Council in 2018 or 2019; further, references to HRDs decreased in outcome documents in 2019. See: NGO Working Group on Women, Peace and Security, 2020 Civil Society Roadmap on Women, Peace and Security, [womenpeacesecurity.org/roadmap-2020-civil-society/](https://www.womenpeacesecurity.org/roadmap-2020-civil-society/)

<sup>34</sup> UN HRC, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights - Report of the Secretary-General*, 14 September 2022, UN Doc. A/HRC/51/7

At national level, one WHRDs from **South Sudan** told Amnesty International that WHRDs face multiple challenges in championing the rights of women and girls and in participating in governance debates including the championing of security and institutional reforms associated with the peace agreement. She told Amnesty International: “WHRDs don’t have protection from the authorities especially because most of the people do not believe in human rights and when you speak of human rights and rights of women and girls, they consider you are driving a foreign agenda and you hear responses such as that it’s not in the culture and traditions of South Sudanese, so women do not enjoy their full rights in society.” In addition, women who champion rights are sarcastically called “young girls”, expected to stick to “women-only” issues or wait for their “right time”, and treated as if they are “western agents”, especially when they talk about sexual violence and rape.<sup>35</sup>

Yet, evidence of women and WHRDs’ precious work in building sustainable peace through building networks and accountability is well documented. For example, several WHRDs from **Syria**, some of whom formed family associations, told Amnesty International how so it was mainly women who have organized to find those who have been forcibly disappeared and to claim for truth and justice, despite a context of war where these women become the main breadwinners and heads of families but face serious obstacles in a context of entrenched discrimination against women in law and in practice, notably in matters of marriage and divorce, inheritance and child custody, and finally inadequate protection against sexual and other gender-based violence for women and girls, particularly in conflict zone areas.<sup>36</sup> A campaign aimed at raising the important role of WHRDs in leading community activism and political organizing inside and outside Syria highlighted their contributions as peaceful protestors, organizers of humanitarian relief and founders of organizations and community centres. The campaign called for them to be represented effectively in peace talks, negotiations, the drafting of the constitution and other peace-building processes.<sup>37</sup>

Following the fall of Kabul, WHRDs have been organizing both inside and outside **Afghanistan** to provide and facilitating humanitarian and support for refugees, and maintaining the plight of women and girls and oppressed minorities on the international agenda. In November 2021, Amnesty International issued a report with the stories of 16 individual Afghan WHRDs as a reminder of how much Afghan women have achieved over the years despite political instability and conflict. Crucially, these stories also illustrate just how much women can contribute to their communities, to society, and their country when they have access to their rights and the space to participate fully in public life.<sup>38</sup> For example, Roshan Sirran, a long-standing women’s rights activist, conducted extensive work on electoral reform and lobbied for women’s rights to be protected during the peace process, while Shukria Barakzai, also a WHRD and parliamentarian managed to secure important protections for all, and particularly women in the 2004 constitution. Other WHRD featured, explain their contribution in the fields of journalism, education, human rights and justice, sport, business, science, technology, the arts, social work and health care. Their erasure from public life is having a profound and dire effect for the entire country.

In 2021, **Iraq** passed the Yazidi Survivors Law, legally recognizing ISIS crimes against Iraq’s Yazidi community as genocide and mandating reparations for Yazidi survivors as well as survivors of other minority groups in Iraq. The law also recognizes conflict-related sexual violence and its use by ISIS against Yazidi women and girls. WHRDs played a key role in the development and passage of the bill. Sadly, lawmakers largely ignored the significant recommendations made by Iraqi civil society organizations on the regulations, meaning they lack a fully survivor-centred approach.<sup>39</sup>

In the **UK**, Northern Ireland finally decriminalized abortion in 2019,<sup>40</sup> following many years of campaigning, legal challenges and advocacy, including by WHRDs directly impacted by the law. Despite the historic law reform, abortion services in line with the new law are not yet fully established and accessible to all who need them.<sup>41</sup> This campaign has shown how WHRDs have managed to successfully challenge an archaic regime, that had been sustained by decades of political obstruction, religious influence and societal norms, driven deeper by decades of conflict.

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<sup>35</sup> *Challenging power, fighting discrimination*, previously cited.

<sup>36</sup> *Challenging power, fighting discrimination*, previously cited.

<sup>37</sup> Amnesty International, Syria: Women must play active role in shaping the country’s future, [amnesty.org/en/latest/press-release/2019/03/syria-women-must-play-active-role-in-shaping-the-countrys-future/](https://www.amnesty.org/en/latest/press-release/2019/03/syria-women-must-play-active-role-in-shaping-the-countrys-future/)

<sup>38</sup> Amnesty International, *Afghanistan: “They are the revolution”*: Afghan women fighting for their future under the Taliban rule (ASA 11/4968/2021), 25 November 2021, [amnesty.org/en/documents/asa11/4968/2021/en](https://www.amnesty.org/en/documents/asa11/4968/2021/en)

<sup>39</sup> Amnesty International, *Iraq: Yazidi reparations law progress welcome, but more must be done to assist survivors*, [amnesty.org/en/latest/news/2021/11/iraq-yezidi-reparations-law-progress-welcome-but-more-must-be-done-to-assist-survivors/](https://www.amnesty.org/en/latest/news/2021/11/iraq-yezidi-reparations-law-progress-welcome-but-more-must-be-done-to-assist-survivors/)

<sup>40</sup> Amnesty International, *Northern Ireland: campaigners mark end of Victorian era abortion ban at Stormont*, [amnesty.org.uk/press-releases/northern-ireland-campaigners-mark-end-victorian-era-abortion-ban-stormont](https://www.amnesty.org.uk/press-releases/northern-ireland-campaigners-mark-end-victorian-era-abortion-ban-stormont)

<sup>41</sup> *Northern Ireland: campaigners mark end of Victorian era abortion ban at Stormont*, previously cited.

Victims of the Northern Ireland conflict have been failed for decades with successive governments failing to put in place effective human rights compliant mechanisms to deliver full truth, justice, and accountability for conflict related violations. Despite this, HRDs, including WHRDs impacted by the conflict, continue to fight to have their rights vindicated and for fully human rights compliant mechanisms to be put in place. The UK Government's Northern Ireland Troubles (Legacy and Reconciliation) Bill currently going through the UK Parliament is of particular concern as it amounts to a de facto amnesty and is incompatible with the UK's human rights obligations. It is overwhelmingly opposed by victims and victims' groups and undermines the rule of law. If passed, it will set a dangerous precedent internationally.<sup>42</sup>

In **Poland**, WHRDs are supporting not only local women and LGBTI people facing attacks on their rights to access their sexual and reproductive health rights, but also people fleeing the Ukraine invasion. Activist Justyna Wydrzyńska and her organization, Abortion Dream Team, for example, have helped thousands of people in Poland and Ukraine in need of reproductive and sexual healthcare. She and her organization have been on the radar of Polish authorities for years and they operate in an increasingly hostile environment. Justyna was sentenced in March 2023 to 8 months' community service for helping a pregnant woman to access abortion pills, a ruling whose appeal is now pending.<sup>43</sup>

## **OTHER CHALLENGES FOR WHRDs: BARRIERS TO FREEDOM OF ASSOCIATION**

All HRDs across the world are increasingly coming up against the enactment of laws and practices that unduly restrict the rights to freedom of peaceful assembly, association, expression including: arduous NGO registration and reporting processes; restrictions on receiving and accessing funding, especially from international sources; misapplication of counter-terrorism and anti-money laundering laws, increasingly restrictive public assembly laws and onerous vetting rules or procedures which hinder people's ability to organize peaceful protests; use of unnecessary and excessive force by security forces to police assemblies; disbandment of peaceful meetings, strikes, demonstrations; as well as visa denials and travel bans, often as a result of unfounded judicial proceedings against HRDs. These measures are often based on divisive politics and are justified on grounds such as national identity, morality, religious values and unjustified assumptions of national security. In reality they expose individuals and groups that carry out human rights activities to higher risks and challenges, particularly when those in power want to suppress those who stand up against injustice. In this context of a shrinking space for civil society, feminist, women and LGBTI-led organizations and collectives have been hit in particular ways with a view to silence and exclude them from participating in public spaces, delivering essential services, and defending the rights of marginalized people. These defenders face even more arbitrariness, and discrimination in situations of conflict or states of emergency.

For example in **Afghanistan** the restrictions on the right to work for women and their exclusion from NGOs is not only an attempt at cancelling their work, but is also having a dire impact on the protection of human rights and the delivery of humanitarian aid and the survival of millions.<sup>44</sup>

In **South Sudan** the existing NGO law fails to give protection to human rights organisations as NGOs are narrowly defined as purely humanitarian organisations. This has forced NGOs working on human rights issues to register as other civil society bodies and to not explicitly label their work as human rights work. In addition, permission must be sought from National Security forces (who monitor and police civil society) before any workshop can be held. According to a WHRD interviewed by Amnesty International, talking about "women's rights, especially sexual and gender-based violence including rape, is a red line". Members of the National Security forces often sit in on workshops which creates risks for both the facilitators and participants and requires both self-censorship and "boldness to talk about issues of rape and sexual violence against women in public forums".<sup>45</sup> This means the lives of WHRDs are more at risk because there is no special protection to facilitate their needs, forcing them to self-censor and, in many cases, leave the country for their safety.

After a ten-year long legal battle, the **Kenyan** Supreme Court finally ruled in March 2023 that the National Gay and Lesbian Human Rights Commission (NGLHRC) must be allowed to officially register as a non-governmental organisation. This was a welcome and long overdue step, but it highlighted the barriers faced by some defenders. The ruling also

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<sup>42</sup> Amnesty International, Northern Ireland Legacy Bill: Victims' rights sacrificed to shield perpetrators, [amnesty.org.uk/press-releases/northern-ireland-legacy-bill-victims-rights-sacrificed-shield-perpetrators](https://www.amnesty.org.uk/press-releases/northern-ireland-legacy-bill-victims-rights-sacrificed-shield-perpetrators)

<sup>43</sup> Amnesty International, *Poland: Activist defending safe abortion risks jail* (EUR 37/5380/2022), [amnesty.org/en/documents/eur37/5380/2022/en/](https://www.amnesty.org/en/documents/eur37/5380/2022/en/)

<sup>44</sup> UN Women, *Out of jobs, into poverty – the impact of the ban on Afghan women working in NGOs*, 13 January 2023, [unwomen.org/sites/default/files/2023-01/Gender-alert-3-Out-of-jobs-into-poverty-Afghanistan-en.pdf](https://www.unwomen.org/sites/default/files/2023-01/Gender-alert-3-Out-of-jobs-into-poverty-Afghanistan-en.pdf)

<sup>45</sup> *Challenging power, fighting discrimination* previously cited.

sparked a backlash by some religious and political leaders, who vowed to appeal the decision and bring stiffer penalties against homosexuality.<sup>46</sup>

Even when there is no explicit legislation or policy that prevents WHRDs from forming organizations, in practice groups who are composed of women, LGBTI people and groups who defend women's rights, including gender equality and sexual and reproductive health rights, are confronted with barriers that hinder individual WHRDs from participating freely in organizations due to discrimination, inequality and violence in the private and public sphere (e.g. criminalization of same sex conduct, widespread gender based violence, male guardianship laws, etc), and which also affect their ability to form associations and organize, including when registering and restrictions on access to funds.

For example in **Poland** certain women's groups and shelters, such as the Women Right's Centre, have been excluded from government funding because of the activities they carry out, while LGBTI groups have been affected by bans on assemblies, failure to protect protesters and multiple reprisals against LGBTI defenders, including criminal charges that have escalated into years of gruelling and costly trials that gradually exclude them – or compel them to withdraw - from an already shrinking space for civil society.<sup>47</sup>

Access to funds, including foreign funding is essential for the survival of WHRDs groups, yet they are often unable to access funds nationally either due to scarcity or a conscious decision by donors to exclude them. In addition, states are able to stifle organizations they dislike by raising barriers in accessing foreign funding,<sup>48</sup> and the most affected are women and LGBTI organizations, particularly if they are small or new.<sup>49</sup>

## RECOMMENDATIONS FOR THE PROTECTION OF WHRDS

### States should:

- Explicitly recognise the legitimacy of all WHRDs without discrimination, and publicly support their work, acknowledging the particular and significant role played by them in advancing human rights in conflict, post conflict and crisis settings, including by:
  - o Publicly acknowledging that WHRDs face inequality and exclusion, as well as multiple and intersecting forms of violence and discrimination (including on grounds of gender, gender identity, gender expression, sex, sexual orientation, sex characteristics, ethnicity and race, language, religion or belief, disability, age, location, occupation, nationality or statelessness, migratory status, class, or any other ground).
  - o Developing and disseminating public awareness campaigns about the key role all WHRDs play in the defence of human rights, just conflict resolution and peacebuilding;
  - o Taking measures to address the root causes of threats and attacks against WHRDs, including marginalization, discrimination and inequality, gender-based violence, social constructions of gender based on patriarchy and heteronormativity, lack of access to justice, transparency and accountability. Remove barriers in law and practice, including in family and labour law, guaranteeing sexual and reproductive health rights, decriminalizing sex work, and any barriers that target people with unjust and discriminatory laws as these intersect with gender to bring worse outcomes for defenders.
- Ensure a safe and enabling environment in which WHRDs are effectively protected and able to defend and promote human rights free from violence, discrimination and other violations and without fear of punishment,

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<sup>46</sup> <https://www.theguardian.com/global-development/2023/mar/03/kenyas-lgbtq-community-wins-bittersweet-victory-in-battle-for-rights>

<sup>47</sup> *Poland: "They treated us like criminals": from shrinking space to harassment of LGBTI activists* (AI Index: EUR 37/5882/2022), 20 July 2022, <https://www.amnesty.org/en/documents/eur37/5882/2022/en/>

<sup>48</sup> Amnesty International, *Laws designed to silence: The global crackdown on civil society, organizations* (ACT 30/9647/2019), 21 February 2021, <https://www.amnesty.org/en/documents/act30/9647/2019/en/>

<sup>49</sup> *Kvinna till Kvinna, solidarity is our only weapon – the situation for women human rights defenders*, <https://kvinnaatillkvinna.org/wp-content/uploads/2021/11/KvinnaatillKvinna-Solidarity-is-our-only-weapon.pdf>



reprisal or intimidation (the CEDAW Committee's General Recommendation 30 is relevant in this regard) in particular by:

- Publicly and unequivocally condemning attacks, threats and intimidation against all WHRDs and refraining from using language that stigmatizes, abuses, disparages or discriminates against them, such as when they are characterized as being “morally corrupt”, or as threats to so-called “traditional and family values”.
- Implementing action plans with intersectional approaches with a focus on WHRDs that are marginalized because of who they are and what they do, for example those working on sexual and reproductive health and rights, LGBTI and other gender non-conforming defenders, those supporting sex workers, as well as those working on issues relating to race and ethnicity, land, territory, and environment.
- Investigating threats, harassment, intimidation, unlawful surveillance, physical attacks and criminalization of WHRDs, and bringing the perpetrators to justice and provide effective remedies to the victims, including gender-responsive reparations.
- Ensuring all state officials are adequately resourced and trained in non-discriminatory and gender sensitive practices.
- Ensure WHRD's safe participation in conflict prevention, mediation and peacebuilding processes before national, regional and international bodies.
- In consultation with WHRDs, adopting and implementing legislation which recognizes and protects all WHRDs, and repeal or amend legislation that may place obstacles to their activities to promote and defend human rights and ensuring they receive the specific protection they need by establishing protection mechanisms which incorporate preventative, collective and gender-sensitive approaches. Protection should be understood holistically and encompassing physical safety, digital security, environmental security, economic stability, and the mental and emotional well-being of WHRDs and their families, loved ones and their communities.
- Taking concrete actions, as part of foreign policy at both bilateral and multilateral level, to protect WHRDs and civil society organizations, including by fully cooperating with UN and regional human rights mechanisms, promoting wider spaces and participation for WHRDs, particularly when they denounce abuses in a context of conflict and crises and work to build peace and just solutions to conflicts.
- Ensuring that funding enables WHRDs in their diverse circumstances to promote and defend human rights in a continuous, sustainable and effective manner, particularly at times of crisis.
- Ensuring non-State actors, including businesses, religious groups, family and community members, and the media, do not hinder WHRDs' human rights work and meet their obligations to respect human rights online and offline.
- End unlawful surveillance of WHRDs. To this end, implement an immediate moratorium on the sale, transfer and use of surveillance technology until adequate human rights safeguards are in place, as well as a global ban on the most highly-invasive types of spyware. States should also adopt and enforce a legal framework requiring private surveillance companies and their investors to conduct human rights due diligence in their global operations, supply chains and in relation to the end use of their products and services.
- Prioritize the protection of WHRDs in the digital space and adopt laws, policies and practices that protect their right to privacy and protect them from libel and hate speech;

**Third countries should:**

- Offer safe and legal pathways to international protection and stronger support to WHRDs in conflict, post-conflict and crisis situation via diplomatic missions and support and facilitate domestic, regional and international relocation initiatives, including through flexible procedures and visa policies;
- Strengthen the protection of foreign WHRDs defenders relocated from conflict affected States and ensure their access to effective international protection, protect them from refoulement and facilitate their access to complaints and protection mechanisms and to an effective remedy from human rights violations.

**To non-state actors:**

- Non-State actors – including businesses, faith-based groups, the media and communities should meet their legal obligations to respect human rights, including in the digital space.
- Information and communication technology companies should take measures to address threats and online hate speech against WHRDs, and undertake proactive measures in educating users and raising awareness about security and privacy features on their platforms that will help WHRDs create a safer and less toxic experience online.
- Private surveillance companies should conduct human rights due diligence on their products or services on a proactive and ongoing basis to identify whether they are or may be causing, contributing to or directly linked to adverse human rights impacts and to address evolving risks.

**To the UN:**

- Ensure that all the spaces within the UN are HRD safe and welcoming and allow them to speak up without fear of reprisals
- Reprisals against WHRDs who engage with all branches of the UN system should be fully investigated and support offered to victims. States should be publicly named and condemned for perpetrating or allowing reprisals.
- Continue and expand funding for WHRDs and their organizations, not just for short term projects or for emergencies but also for core and long-term activities, particularly for the groups that are most marginalized, discriminated and who receive less support from individual states and donors.
- Strengthen on access to international protection and refugee status determination for defenders from conflict and post conflict areas.

**To civil society actors and donors:**

- International organizations should continue to identify means and pathways to provide services and emergency relief to affected populations, including WHRDs.
- Civil society actors should work to amplify the voices of WHRDs and feminists who work under harsh conditions, and support their demands.
- Public and private donors should increase funding for WHRDs and women- and LGBTI-led organizations, and find ways to fund smaller and less established organizations rather than channel all the funding through large institutions.