

## **Mobilising for Peace as Women Human Rights Defenders: Critical Reflections on UNSCR 1325**

*Presented at the Conference Women Human Rights Defenders at Risk in Latin America:*

*Resolution 1325 and other protection mechanisms for women in conflict areas*

*25 November 2010, Madrid, Spain*

### **Strategic value of the human rights defenders' framework to advance women's human rights**

The term 'human rights defender' comes from the United Nations Declaration on Human Rights Defenders (UNHRD Declaration), adopted by the General Assembly on 9 December 1998. The Declaration does not create new rights, but recognises that the act of defending human rights is a right in itself. It affirms that human rights also apply to human rights advocates, providing a new framework of obliging the State to protect, promote and fulfil their rights. Although not legally binding, the Declaration draws authority from the rights already protected in the International Bill of Human Rights. (OHCHR 2004: 19)

Article 1 of the Declaration identifies a 'defender' as any person "who promotes and strives for the protection and realization of human rights and fundamental freedoms." Unlike other instruments that confer human rights only to individuals, the Declaration clarifies that a defender can be a person or a group of persons, or a collective or any organisation working for human rights. The defender can work in different sectors, not only in NGOs but even in government agencies, full time or part time, as a volunteer or in a paid capacity. Careful not to adopt a fixed definition, UN Special Representative on Human Rights Defenders, Hina Jilani, explained that what characterises a defender is the *activity* of promoting and protecting human rights. (OHCHR 2004: 6 – 7, emphasis mine)

There are potential strategic and practical advantages to be gained for those that espouse for women's human rights to adopt the term 'defender'. Advocating for rights at the margins of mainstream human rights, has made it challenging to get acknowledgment that the rights women human rights defenders advocate for are human rights and the violations they face in defence of these rights are human rights violations. Because of the lack of legitimacy accorded to their role as human rights defenders, often the threats they face are trivialised and the political nature of the abuse is lost as incidents are classified either as common crimes or dismissed as minor infractions. In this context, a human rights defenders' framework is valuable to advance the full realisation of women's human rights and adequately protect and support women human rights defenders.

As defined by the Women Human Rights Defenders International Coalition, women human rights defenders are "women active in the defence of women's rights who are targeted for who they are as well as those who defend women's rights who are targeted for what they do". The Special Representative emphasised, the term 'women human rights defenders' is not intended to establish a special category of defenders. Its purpose is to highlight not only the gendered forms of abuse and their consequences on women because of their gender, but also the heightened threats they face because of their activism. Women human rights defenders have identified the debilitating impacts of the abuse they experience because their advocacy on women's rights is seen as defying cultural, religious, or social norms about femininity and the role of women in society.

According to then Special Representative on Human Rights Defenders, from 2000 – 2007, 22% of the 3,376 communications acted upon by the office during that period involved women human rights defenders. (Jilani 2008: 8 – 9) For 2008, the UN Special Rapporteur on Human Rights Defenders acted on about 121 communications pertaining to women human rights defenders, or an average of two cases per week. (Sekaggya 2009) Urgent appeals circulated among members of the Coalition from 2008 – 2009 averaged at least one per week. (WHRD IC 2009) The lack of documentation and difficulties in reporting cases, among other factors, account for an incomplete picture based on these figures. What the figures confirm is the general increase in the number of cases over the years and that violations against women human rights defenders persist.

### **UNHRD Declaration and UNSCR 1325: women peace advocates as human rights defenders**

Adopted in 2000, UN Security Council Resolution (UNSCR) 1325 strengthens the human rights framework for peace. It reiterates the accountability of the State in situations of armed conflict. It affirms the enforceability of women’s human rights and the obligations of the UN, member-states and non-state parties to the conflict “to implement fully international humanitarian and human rights law that protect the rights of women and girls during and after conflicts” and specifically to “take special measures to protect women and girls from gender-based violence”. It gives due recognition to the important role of women in peace-building and their right to equal participation in all levels of decision-making on matters pertaining to peace and security.

The UNSCR 1325 focuses on four inter-related areas: 1) participation of women in decision-making and peace processes; 2) gender sensitivity and training in peacekeeping; 3) protection of women and girls; 4) gender mainstreaming in the UN reporting systems and the implementation of the Resolution. To date, 20 countries have developed national action plans to implement the Resolution, including Portugal, Chile and Spain. Most of the national action plans have included specific objectives for the protection of women and girls from all forms of violence and the promotion of women’s rights in general. In the implementation of the plans, however, much emphasis has been given on awareness-raising, capacity building and increasing women’s participation in peace-building activities or in the case of the Chilean National Action Plan, an almost exclusive focus on participation in the armed forces, reinforcing the traditional state-centric approach to security. Not much has been done under the Resolution to protect women and women human rights defenders.

The critical role of women human rights defenders in the context of armed conflict cannot be underestimated. As UN Special Representative Jilani stressed, defenders provide early warning of emerging problems, including of gross human rights violations. They help protect the lives of civilians caught in conflict, and through their presence and activities, prevent violations. They contribute significantly to efforts to end the conflict and to peace-building by strengthening the rules of law, demanding accountability for past and on-going violations by all parties to the conflict, and supporting the establishment of democratic principles and good governance in post-conflict reconstruction processes. As women defenders broker for peace between the parties to the conflict, they are exposed to greater risks because they are accused either as traitors or supporters by the opposing sides. Protection and support for women human rights defenders, therefore, are crucial in situations of armed conflict. The UNHRD Declaration supports the intent of UNSCR 1325 to acknowledge that women are not only as victims and survivors in conflict, but are active participants, and actually have the *right* to be involved in

peace processes. It gives added legitimacy to women's role in peace building by asserting that peace advocates in essence are engaged in the defence of human rights. In her 5<sup>th</sup> annual report to the UN General Assembly in 2005, Special Representative Hina Jilani validated that varied activities undertaken for the restoration of peace and security, such as documenting human rights violations, assisting victims of the conflict or engaging in peace negotiations are human rights activities. Thus, the UNHRD Declaration adds another dimension to the UNSCR 1325 by asserting that peace advocates are also human rights defenders and entitled to the same rights.

In the 2008 survey conducted by the Coalition, the context and the locus of their activism critically account for the situation of vulnerability of women human rights defenders. Women human rights defenders who work in areas of conflict are most exposed to violations compared to defenders working in other sectors or circumstances. The recent case of the ambush of an international aid caravan in Oaxaca, Mexico illustrates the risks for women human rights defenders in situations of conflict:

*On April 27, gunmen killed two activists on their way to the autonomous municipality of San Juan Copala, Oaxaca as part of an international aid caravan. Oaxacan indigenous leader Alberta Betty Carino and Finnish observer Jyri Antero Jaakkola were killed, and three other Oaxacans were injured. The caravan's goal was to break a paramilitary siege that left San Juan Copala in the indigenous region of southern Mexico, cut off from the outside world since January, and to deliver food, clothing, and medicine.*

*Survivors of the attack, which took place at the blockade near the community of La Sabana, said that gunmen identified themselves as members of the Union for the Social Well-being of the Triqui Region (UBISORT), an organization founded in 1994 by local members of Oaxaca's ruling party, the Institutional Revolutionary Party (PRI) and classified by the UN High Commissioner on Refugees as a paramilitary organization....*

*Jorge Albino, a spokesperson of the autonomous municipality, said he believed that the paramilitaries deliberately targeted Carino, a key player in the ongoing Triqui peace process. "People from La Sabana who don't agree with UBISORT say that she was well-known and they shot at her directly. The coroner's report says that the body only had one shot in the head..." Attack survivor Gabriela Jimenez also said the shooters were aiming at head-level.*

As Betty Carino Trujillo exemplified, in real life, the lines are blurred between advocating for peace and defending human rights. She was both an indigenous leader and an active participant in the peace process. Her activism was propelled by her indigenous community's claim to self-determination and fierce resistance against government-initiated extractive development projects, which led San Juan Copala to declare itself an autonomous municipality in 2006. To reassert its control over the territory, the government employed paramilitaries to enforce a blockade aimed at starving San Juan Copala into submission. The humanitarian caravan intending to attend to residents' basic needs presented a serious threat to derail this military operation. Hence, it was attacked, and its leaders like Trujillo who mobilise for peace were killed.

An Isis International study on *Cultural Politics of Conflict, Peace and the UNSCR 1325* further concludes that for women who live in situations of armed conflict, their participation in peace-building are “less formal, non-conventional and happen more in their everyday lives”. They volunteer during evacuation services; facilitate inter-faith relations; organise neighbours to meet their basic needs; teach or give training on values of peace and diversity; participate, to the extent that they can, in community meetings. Seldom invited in formal peace processes, they create or invent their own opportunities for public participation. Gender discrimination and the gender bias in existing political structures that favour men have excluded them from formal peace processes, but more significantly, account for making their “informal, less conventional” contributions to peace-building devalued and invisible.

It is therefore important in the implementation of UNSCR 1325 to support not only women’s role in formal venues of peace-building, but also validate the contributions that women human rights defenders make in their everyday lives to foster peace and security and as further mandated by the Resolution, create more opportunities for “local women’s peace initiatives” to prosper. In this sense, the human rights defenders’ framework offers a counterbalance to the emphasis of UNSCR 1325 on women’s participation in formal peace processes by acknowledging that their human rights activities to maintain peace in the community, albeit in informal public spaces, are in furtherance of their roles as women human rights defenders.

#### **‘Sustaining Activism’: a broader understanding of security for women human rights defenders**

The UNSCR 1325 protects women in armed conflict in general including women activists, but the UNHRD Declaration provides a wider range of protection for women peace advocates, not only those mechanisms operating or enforceable in situations of armed conflict. The Declaration extends the applicability of protection mechanisms under the human rights systems to women peace advocates who act in defence of human rights. The State is accountable not only to uphold the rights of women to participate in peace building and decision-making as stated in UNSCR 1325, but under the UNHRD Declaration, they are entitled to protective measures such as those provided under the European Union Guidelines on Human Rights Defenders as well as mechanisms for the protection and support of women human rights defenders existing at national and international levels.

[The EU Guidelines on Human Rights Defenders (revised in 2008) can be applied not only in EU countries but also in third countries or in countries where EU has established missions, including embassies and consulates of the members and delegations of the European Commission. Under the Guidelines, the EU can adopt a range of different measures to protect defenders including maintaining contacts and monitoring and reporting on the situation of human rights defenders. Many of these missions have been tapped to assist defenders at risk, and in several instances like the mission of Sweden, for example, they have been active in giving particular focus to women human rights defenders. During the Spanish Presidency of the EU that ended last June 2010, the Spanish leadership has built on the national launching of the EU Guidelines in various third countries and pushed for the appointment of liaison officers in 72 countries and the development of a local human rights strategy (LS) in 64 countries.

In light of UNSCR 1325, full protection for women human rights defenders requires revising the prevailing concept of 'security'. Narrowly limited within the State's notion of 'national security', an ideology of militarism underpins the existing definition, giving primacy to the use of force or exertion of military might to ensure security. Responses that overemphasise addressing physical threats or anchor the definition of defenders on the basis of the risk they face mirror the masculinist valorisation implicit in this definition of security. Women human rights defenders insist that an integrated concept centred on human security and responsive to gender-specific needs, as articulated in UNSCR 1325, is essential in sustaining activism for women's human rights.

There are aspects of security that are gender-specific, which entails addressing gender-based forms of violence and their gendered consequences. It calls for providing a range of comprehensive support for the well-being of defenders and addressing visible yet often neglected gendered concerns, such as provisions for child care, health care, and psycho-social support. For example, in developing security measures, responding organisations should consider the different nature of sexual violence and the stigmatisation or ostracisation surrounding sexuality-related offences that create heightened risks for women human rights defenders.

Moreover, it is not just important to adopt a range of responses, but also to ensure *equitable balance* in the responses provided to women and other human rights defenders. For example, responding organisations might only focus on the needs of individual defenders and not consider provisions for children of women human rights defenders who are single mothers. While it might be more costly or require additional efforts, women human rights defenders are entitled to protective measures not based on the assumption that men and women are the same and should be treated in the same manner, but on substantive equality that introduces measures to correct gender differences.

The cases of Valentina Rosendo Cantu and Ines Fernandez Ortega before the Inter-American Court of Human Rights clearly demonstrate these gendered dimensions of security for women human rights defenders. The rape and torture committed against them by members of the military in the context of their community's struggle for self-determination is a political offence intended as an affront to their political organising. As a consequence of the rape, Valentina was ostracised from her community. Her relationship with her husband and family broke down and she became a single mother. Members of their families and their organisations were threatened and there were attacks against their daughters, with an attempted abduction of Valentina's daughter. Aside from employing sexual violence to subdue the community, gender stereotypes of women as mothers or caregivers account for this high incidence of threats or attacks against family members and children of women defenders. The Court, in deciding in their favour, ordered the government of Mexico to pay financial compensation and as reparation, put in place comprehensive measures to guarantee the non-recurrence of violence against women in the community, including to establish a community centre so Ines can "continue with her work as a promoter of the human rights of women in her community".

So with the UNHRD Declaration as a starting point, an integrated security approach recognises that defenders like Valentina and Ines are rights-holders and frames their

needs for security and protection as corresponding obligations to be met by the State as duty-bearers. It seeks to enforce the normative terms or standards with which to comply with these obligations. It acknowledges the centrality of the principle of gender equality and non-discrimination and underscores responding to immediate as well as underlying and structural causes of violence and discrimination against women. Integrated security is about generating an enabling environment for the realisation of women's human rights to sustain defenders, their organisations and movements. The aim is not just to keep the women human rights defenders safe, but ultimately to support the social movements in changing the situation that put them at risk. *Mary Jane N. Real, Women Human Rights Defenders International Coalition, whrd@apwld.org*