

***Experiences of Women Human Right Defenders  
in the South Asian Context***

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**Indraprastha Public Affairs Centre**

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***‘I am not a victim. I am victory. I stand up. I speak out<sup>1</sup>.’***

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<sup>1</sup> Betty Makoni is a [Zimbabwean](http://en.wikipedia.org/wiki/Betty_Makoni) gender activist who founded the Girl Child Network, which cares for Zimbabwe's young sex abuse victims; the organization has rescued more than 35,000 girls ([http://en.wikipedia.org/wiki/Betty\\_Makoni](http://en.wikipedia.org/wiki/Betty_Makoni) )

## About the study

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### ***Setting the focus: spirit of the document***

This document is a result of a short study undertaken to understand the trends in the experiences of women human right defenders (WHRD) in the South Asian countries of India, Pakistan, Bangladesh, Sri Lanka, Afghanistan and Nepal. The underlying idea of bringing forth these experiences was to bring forth the stories of courage with which WHRDs are constantly undertaking their work; of not only defending other women's rights but also inspiring them to take that leap from a victim to a victor: of converting their pain into their strengths to fight against the structural causes of discrimination against girls and women. The idea is to celebrate the agency of WHRDs who are leading struggles everywhere despite not only unfavourable conditions but even threats. It is greatly important to listen to their experiences so that the barriers in their work can be delineated and urged to be address – especially by the State.

The study found uniqueness and similarities in the experiences of WHRDS across all the countries. It is important to know the challenges that WHRDs face so that they can be brought centre stage; so that the agencies and anchors of processes of development know that a real process of democratisation cannot happen if women's rights and rights of those who defend women's right are not one of the cornerstones. Listening to WHRDs individual experiences in the wider national contexts, in which they exist, brings out how a right environment for defending rights of the WHRDs can only be created by the State and can be replaced by no other stakeholder.

It is critical to underscore that WHRDs, especially while pushing for women's rights are constantly pushing the boundaries of the societies we live in. They are not only raising the issues of other women; but inextricably are also raising their own issues. It is primarily the same set of reasons which on one hand is a set of barrier obstructing women's rights to become a reality, which are putting their roles in a vulnerable light.

**Issues that a women HR grapples with; reflecting her general as well as specific challenges (based on the respondents' record):**

- Women seen as not competent enough
- Lack of family support – as women or as WHRDs when they raise their own or other women's issues
- Issues not considered important – problems either normalised as cultural / traditional
- Lack of sensitization amongst intellectuals, police, administration, political leaders, CSOs, officials (government and private), community leaders, student leaders etc
- Character strikes
- No mechanism or protection for WHRDs
- Lack of proactive action on the part of women's as well as human right institutions

## **Rationale**

UN Declaration on Human Rights Defenders state that *“States have an obligation to protect WHRDs, which includes ensuring gender sensitive protection measures to threats, violence, retaliation and adverse discrimination faced by WHRDs”*. Nonetheless, WHRDs face several challenges in the course of their work. There has been a slow response to their security and protection needs and they are equally targeted by state and non-state actors.

IPAC engages with individuals, organizations, policy makers and parliamentarians to strengthen the process of peace and justice. Capacity building and continuous dialogue with human rights defenders has been a core area of intervention for IPAC. Recognizing the “gendered” nature of challenges being faced by Women Human Rights Defenders (WHRDs), IPAC undertook a systematic capacity building intervention for WHRDs in India. Our interaction with WHRDs has informed us that beyond capacity building of WHRDs it is also required to take action to improve the environment in which WHRDs operates. As a progression to our work, this study examines the issues and challenges WHRDs face. The understanding gained shall “inform” IPAC’s future course of action.

## **Objective**

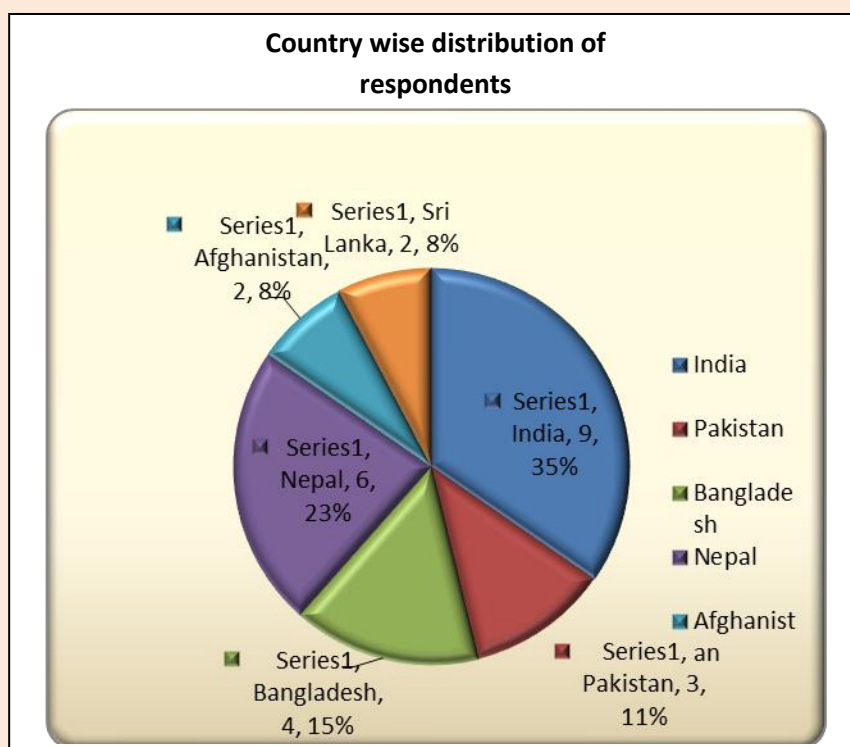
This report is intended to be used as an advocacy and lobbying tool to ensure that appropriate structures are evolved in South Asian countries to address security and protection needs of WHRDs. It analyses the challenges faced by WHRDs in the south Asian countries and also present a set of recommendations to institutions accountable for protecting and promoting work of human rights defenders particularly the women human rights defenders. At IPAC we are hopeful that this report would enable us to develop a better programming for capacity building, handholding & accompaniment of WHRDs.

## **Methodology and Sample of the study:**

Methods employed during the study include questionnaire, secondary data collection, desk work, and review of literature. Using the information available in the web, a list of possible respondents was developed for the purpose. The questionnaire was sent to about 60 WHRDs active in the south Asian region. The questionnaire consisted of specific questions on their experiences related to violation of their rights, operational challenges, incidents of violations, reasons of violation, perpetrators, effective of existing justice mechanism and their opinion on how to improve the situation. In addition, a scanning of secondary information on trends of challenges being faced by WHRDs in South Asian countries were also collected and analyzed. However, out of 60, we received response from 24 WHRDs; that formed the base for the analysis given in the report.

**Ethical Considerations:** IPAC has taken conscious steps to ensure that the research process does not aggravate the problems of WHRDs those interviewed. A clear message on the purpose and objectives of the study was shared with them. Information received from the respondents has been treated confidential and no information related to identity of the respondent is being shared.

This study is based on the responses that WHRDs across the mentioned countries of South Asia recorded. These responses were recorded in a format especially designed to capture the various aspects of their work. The same can be seen in ANNEXURE 2 (at the end of the document). They were sought by way of email and discussions over the phone. These responses were then put together and analysed in a larger context relating to policy environment where relevant data from secondary sources was also applied and used.



Supporting Women Human Rights Defenders has been an area of strategic interest for IPAC. This study is concerned with the experiences of women human rights defenders who work for women's rights and also to defend other rights in the South Asian region. This document is an effort to understand, record, and document the work and struggles of WHRDs. This is also a humble effort to share these struggles with the larger society so that the significant work and challenges of WHRDs are recognized beyond the challenges every women in this region face just as being women. For this study 26 interviews were carried out (using e-mail) across the south Asian countries. The testimonies received portray grim pictures of deteriorated human rights standards justified in the name of national security, protection of culture and upholding norms of religion and patriarchy.

#### ***Logic of the document:***

The opening section titled "***Challenges faced by women human right defenders***" talks about the individual experiences of the WHRDs. These are put in a framework espoused by the Asia Pacific forum on Women. The section discusses various situations in which WHRDs work and how these situations are a reflection of the issues they are primarily raising. Also, how the issues they raise are the very obstacles that try to sabotage their work deeply rooted in patriarchal system of thought.

The following section, titled "***Resurrecting the South Asian context through WHRDs experiences***" culls out the commonness which binds all the above spoken experiences

together. It *fleshes out*, certain common aspects and frameworks based on WHRDs experiences; an exercise of resurrecting a broader context of which all the respondents are a part. This is important because it allows diving deeper into their experiences while looking for a fundamental pattern and structure. This section prepares a context and a ground against which then the formal South Asian policy environment is looked at and scoped for parallels or divergences.

The last section titled “Human rights commitments – the South Asian contexts” takes a look at the formal commitments in terms of ratifications that the countries have done from a *defending defenders* perspective, taking into context the historical reasons which formed SAARC – one of the key bodies at the South Asia level. The section also puts together certain recommendations highlighting the fundamental principal that needs to be enshrined into actions of strengthening WHRDs; that of the primacy of State’s role and to work with WHRDs as victors and not victims needing protection. That is what instruments need to focus on. The difference in the focus is important. The former while providing them safety mechanisms recognises the locus of problems with the WHRDs, fundamentally, weighing the possibility of their victimhood more rather than putting the mandate of ensuring agency on the front burner.

At the end of the main narrative of the document are placed Annexures 1 & 2, on which the entire analysis of the document is based.

Annexure 1 is a compilation of brief country reports giving a broad overview of the human rights environment, issues and recommendations. These tables have been put together based on the responses of the respondents themselves. Each table marks an opening line recorded by WHRDs themselves and then goes on to compile the issues as well as recommendation which the WHRDs have identified and advocated for, respectively.

Annexure 2 is the format that was created and used for recording respondents’ experiences.

## Acknowledging contributors

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This document would remain incomplete without an acknowledgement note towards all the contributing Women Human Right Defenders from Afghanistan, Bangladesh, Nepal, Pakistan, Sri Lanka and India. Without these detailed contributions no recording or analysis would have been possible. IPAC would be happy to receive any inputs on the analysis from the contributors to better represent any dimension or aspect of their work in this report.

IPAC extends thankfulness to all the participants who made this work possible and comprehensive, and hopes this document would be a valuable input to make the ever going struggle of WHRDs an empowerment process in itself.

## SECTIONS:

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- **Challenges faced by the Women Human Right Defenders**  
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- ***'Resurrecting'* the South Asian context through WHRDs experiences**  
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## Challenges Faced by the Women Human Right Defenders

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Challenges faced by WHRDs are at multiple levels like family, community, society, organizational. Each reflects the ways in which their freedom is sabotaged. Their participation gets constrained because of the discriminatory practices which exist at each level of the society. Greatest threats are those on their personal safety when they work as human rights defenders. It also poses a threat for their family. Arbitrary detentions, threats, harassment, repression and sexual violence are only a few examples of the attacks faced by WHRDs in general. Restrictive legislations, such as those implemented in conflict areas, have resulted in the unjust treatment with WHRDs and respective organizations.

Women human rights defenders in South Asia defend not only women's rights, but also a broader range of civil, political, social, economic and cultural human rights. They are involved in multiple issues that affect themselves, their communities or the general population. While defending women's rights especially, whether from the front or from inside, they necessarily raise struggles against the established structures of power and authority. In these struggles, it is not only the other women whom they are defending but also their own selves and their own rights continuously too, while constantly challenging the norms of womanhood and femininity being the frontline rights defenders.

### ***Converting anguish into energy: Journey of a woman human right defender***

29<sup>th</sup> November is marked as International WHRDs day. Despite all the difficulties, many women, across many places and countries continue to fight and struggle in their own lives, as well as the repressive structures at large. They convert the intensity of their own problems into an energy with which they fight. Their problems do not make them weak, but fuel their struggles – on their personal level as well as in the larger ambit of their work. This was also clearly reflected in the responses that the study's respondents recorded. The WHRD respondents face challenges either directly or indirectly, but they have continued to believe in their role and agenda. Each time it is a step from being only a victim to being an agent of their own rights as well as of others.

### ***Threats naturalized in a patriarchal structure & set up***

What, however, is greatly critical is the perspective in which we must look at the various threats in. It is important to problematize a certain context that we take for granted. Saying that WHRDs face risks and threats is like saying a young woman who is taking on the world as her exploration stage is vulnerable without realizing that the risks and the threats are a construction of the patriarchal structure itself. In the Europe and Americas the characteristics of the patriarchal societies reflect in a different way and in the South Asian context, in a different form. But reflect they do; and in both the cases. The risks and threats that mark WHRDs' life like this are themselves a product of the patriarchal set up. Hence, how we fight with them needs to take this aspect into account. Not to design pro-WHRD intervention at a symptomatic level but at a much more fundamental level.

It is important to articulate and to understand that these risks get transacted in a patriarchal set up while also being naturalised in one. Sexually assaulting women human right defenders



is a reflection of a patriarchal set up which sees a sexual misconduct as a 'right punishment' for WHRDs; and at the same time it does the following:

- It looks at the aspects of women's sexuality as an object of attack which can be harmed (in complete opposition to aspects of man's sexuality)
- It naturalizes such reaction although condemning it but seeing it as a normal part of the society we live in
- And most importantly isolates the women from her immediate support environment in many cases – be it family or community.

All of these things together disempower a woman human right defender. She increasingly gets seen as an outstanding case of challenging norms who requires protection because she is vulnerable. What however we forget to see and underscore is the fact that she is made vulnerable in the entire set up which is patriarchal and has deep problems with women's agency and which already makes a certain action by a woman ethical and the other – non-ethical.

### ***On knowing about the challenges WHRDs face***

Knowing the struggles WHRDs face and how they face it is critical to understand how they choose to be agents and not victims. They are not silent sufferers of the situations treating their cases as personal and fighting lone battles, but are in constant effort of generating a collective struggle, amplifying voices and issues. They know that women's issues are not centre stage for governments but that is where precisely they locate their work; in flagging and making it heard. And this is what the overall context of this document is. It brings together the struggles being faced by the WHRDs across South Asia with a spirit of demonstrating the high degree of their courage they exhibiting while addressing rights violation issues. A look at their experiences must capacitate us to appreciate the leaps they take in making women's issues, including that of the WHRD, visible and audible so that they are seen, recognised and addressed.

WHRDs as women, have not stopped at their difficulty of their own situation; but have instead decided to collectively take steps ahead and ensure that they and fellow women for whom they work access their rights and bring the difficulties centre stage and get the stakeholders to see them and push them for solutions.

This chapter puts together the instances drawn from the respondents' own lives in the above laid out framework. This sharing helps understand the struggles specific to a WHRD in a South Asian context. Through individual stories, it unravels the reasons why WHRDs' protection is a serious issue and what does the lack of it threatens. As all of these stories are from the South of Asia, they speak about the contours of the South Asian context. Below are excerpts from the testimonies the WHRDs recorded in writing as a part of the process. The listing is neither extensive nor exhaustive, but tries to indicate and reflect the dimensions of the challenges and risk that WHRDs face in these South Asian countries. For reasons of analysis and to come to a generic South Asian context, the experiences gathered have been classified in the categories espoused by the Asia Pacific Forum on Women<sup>2</sup>. Looking at

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<sup>2</sup> Asian Pacific Forum on Women, 'Claiming Justice: A Guidebook on Women Human Rights Defenders', 2009. <http://www.wluml.org/node/5701> [accessed 2nd May 2011]

experiences in these categories helps unravel the facets of social structures that WHRDs are in constant negotiation with.

### ***Attacks on life, body and mental integrity***

- A respondent working on human rights issues in West Bengal shared ; *“one of Odhikar’s local human rights defenders was fact-finding a case of rape of a middle-aged woman. She visited the woman in the hospital and there she met a representative of the perpetrator, who told her not to take any further steps in this matter. She paid no heed and helped in filing the case at the local police station. Some days later, she was awaiting a fellow HRD, when she was accosted by 5 – 7 men, who surrounded her and loudly verbally abused her. They then pushed and dragged her to the roof of a shop, took away her cell phone. They warned her of the consequences if she kept making the rape incident public. On hearing the noise, a local journalist passing on the street below, came up to the roof and managed to get her away.*
- A respondent from Karnataka, India has faced threats, verbal abuse, situation where her family has been threatened in the last 15 years. She has faced these from society / community and the political leaders. The challenges that she sums up are – *‘safety, bondage, within family, responsibility as wives and mothers, cultural norms and prescriptions, negative perception about women, women as victims rather than contributors, acceptance and acknowledgement of women with capacities, under estimation and acknowledgement of issues, neglect and indifference, delay in filing cases, lack of commitment to justice, insensitivity, lack of knowledge about laws pertaining to women’s rights as chief challenges for WHRDs in the region’.* She also notes that *“WHRD working on dalit human rights issues have experienced greater harassment as they not only challenge the “patriarchy” but also the “caste system” and the notorious nexus of the two. She records “In a cultural context society in general and men in particular feel that it is the duty of men to protect women. Women’s place is not out in the open. When women are exposed they invite problems for themselves and to the family. Women leaders think twice to stay outside the family. Especially in the nights. Late night travel is accompanied by husband or brother. ‘What others will say’ is the attitude predominantly prevails in most of the Indian families. It is much more in the rural context.’*
- A respondent working with an international agency recalled that *“the WHRD received threats at their homes to stop their work. Their travel to the field was threatened which proved to be very difficult in the rural areas which are remote and do not have fully developed infrastructure like roads and adequate lighting”.* Similarly, a WHRD practicing in Sri Lanka shared a number of incidents of harassment while she was working with *different women’s groups/ NGOs. She recounted various incidents like (i) posters being pasted around the city to embarrass the organization and to put it into trouble with military (ii) directly trying to influence by using power and change the agenda for their favor (iii) brutal rape in the center of town and the consequent events (individual threats) targeted women activists to stop women mobilizing around such cases- which was the history before it (Threats targeting WHDR groups and breaking the strength of collectivity), (4) NGO women in general being targeted and abused - saying that they sleep with many men especially with foreigners.*

In comparison to their male counterparts, for WHRDs barriers are even higher due to patriarchal structures, social & religious institutions and cultural practices in place. The work of women defenders is always perceived as challenging accepted socio-cultural norms and the role and status of women in society; thus face a greater apposition. The information collected for the purpose of this study establishes that harassment of women human rights defenders is often part of their daily life. In a significant number of cases, harassment has often taken form of attacks and raids on offices or homes of WHRDs, defamatory tactics are also used to delegitimize the works of defenders.

One of the fundamental principles behind elaborating on the challenges faced by the women HRDs is to acknowledge and celebrate the courage with which they go on!

***Physical- psychological deprivation of liberty & Attacks against personhood and reputation***

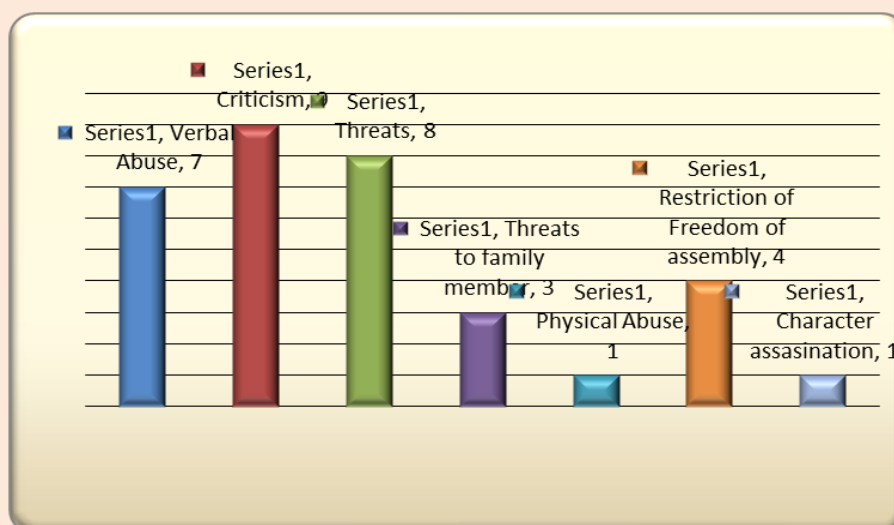
The primary and secondary information collected for the purpose reveals that the *motive behind threats to WHRDs is largely to stop (their) human rights activities*. Those opposed to WHRDs use a number of different tactics to achieve these goals.

- In Sri Lanka and Afghanistan as the respondents reported, isolating women is a key tactic. Isolation helps in loosening up of WHRD's solidarity with others HRDs and social movements. Posing limitations on freedom of movement and freedom of organization are among the prevailing ways of isolating WHRDs. As reported, indirect actions such as "*defamation*" of WHRDs are also taken to damage image of WHRDs within communities. Constant harassment by state and non-state actors is done to create an environment of fear. Psychologically, these actions discourage them from continuing the struggle.
- Respondent from Pakistan shared about how colleagues in the field have been physically attacked by religious parties; have been held at gun-point and threatened to withdraw from a case; have been threatened over the telephone and in-person with acid attacks; have been stalked; implications in false and trumped-up cases, albeit mild in intensity; and received vulgar and intimidating phone calls otherwise. Another organization from Pakistan shared incidents when their human rights organization received anonymous threat calls and letters to stop their work.
- WHRD's work is often seen as defying traditional notions of the family. In the south Asian region the cultural biases against women continue to flourish across varying class, caste and ethnic groups. The male dominance is institutionalized, deep rooted and hard to crack. The respondents shared about their struggle within their workplace that they have to face being a woman. To quote one of the respondents, "the leadership of women human rights defenders always been used by the male counterparts reasons and never recognize them as equal leaders. Further, all major decisions are taken by men and women are forced into implementing those decisions. In many cases women human rights defenders at the grass-root level, who are co-ordinating the women's movement are forced to laud the decisions of their men colleagues and mentally oriented to be a sub-ordinates."

- The information collected points out those politically motivated legal actions are used against women human rights defenders, particularly those who operate in areas of armed conflict or severe civil unrest. Death threat is a reported as a common means of intimidation. It is also reported that the police take no effective action on reports lodged by WHRDs. Many of them experienced torture by both state and non-state actors. Incidents where the authorities tried tarnishing defenders' image were also shared by the respondents.
- On 14 June 2007, some 60 -70 men with sticks marched into the office of the Women's Rehabilitation Center (WOREC) in the Siraha District, Nepal. They threatened the staff with rape, physical abuse and verbally abused them of being "loose women". On 9 June, the main gate of the office was dismantled and thrown in the middle of the road. On 2 June, sharp bricks were thrown at the office while the staff was inside, and when they tried to go out to check, they were again hit with sharp bricks hurled by attackers hiding in the dark. The staff were threatened that they would be killed and were told to leave the village entirely within the next five days. Witnesses from the community identified that among the attackers were the alleged perpetrators accused of raping and physically abusing two victims of rape that WOREC staff assisted"<sup>3</sup>.

Physical- psychological deprivation of liberty & Attacks against personhood and reputation can be one of the key paralyzing processes. They make assertive actions for women HRDs very difficult. These create situations whereby the WHRDs somehow cannot get the issue directly because they are diverted in issues created on moral grounds. Again, here, a WHRD gets ostracized because they are examples of an active femininity and not of victimized one. They, for turning the accepted definitions of femininity upside down, are made face regressive consequences.

**Figure # 2: Types of violence experienced by WHRDs (Multiple response)**



<sup>3</sup> Forum Asia Case File, 2007

### ***Legal provisions and practices restricting women's activism***

- Often authorities or law enforcement agencies treat especially women human rights defenders with great hostility, linking them to antisocial activities. Of all human rights defenders in the region, defenders working on minority issues, *dalit* issues and in areas of high security; are disproportionately exposed to harassment by the state. The case documented by Asian Legal Resource Centre (ALRC) describes the range of difficulties WHRDs face. *Ms. Hasina Kharbhih a human rights defender working against forced prostitution and child trafficking in the Indian state of Meghalaya. In June 2008 Kharbhih and her organization, Impulse NGO Network, exposed a criminal syndicate engaged in the trafficking of women and girls. Minors were being lured into the network of this criminal gang, on false promises of training and employment as flight stewardess for private airline companies. The criminal gang operates across India, particularly in its cities. Kharbhih filed a complaint with the state's police about the criminal syndicate. Soon, Kharbhih started receiving life-threatening telephone calls, asking her to drop the work Kharbhih and her organisation is engaged in. Kharbhih refused to be subjugated by the threat and filed a complaint at the Office of the Inspector General of Police, Meghalaya state, seeking protection from the imminent danger as well as requesting the police to investigate the case.*<sup>4</sup> *The police registered a case; but refused to investigate it and did nothing to offer protection to Kharbhih or to her colleagues. Instead, the police discouraged Kharbhih and her colleagues from pursuing the case they were working on. Concerned about her safety and that of her colleagues, and finding no support or protection from the police, Kharbhih is now forced to continue her work from undisclosed locations.*
- Numerous incidents that expose the nexus between state agencies and perpetrators are shared by WHRDs. Respondents referring to a number of cases shared when WHRDs and organizations tried their best to engage the local police, for protection as well as for action against the violators. Yet, the level of support to WHRDs, particularly working at local level, is far from the adequate. As has been shared across, they in the field have been physically attacked by religious parties; have been held at gun-point and threatened to withdraw from a case; have been threatened over the telephone and in-person with acid attacks; have been stalked; implications in false and trumped-up cases, albeit mild in intensity; and received vulgar and intimidating phone calls otherwise.

In such situations where WHRDs are trying to work with the arms of the State, especially in conflict situations, their situation gets more precarious. It is also worth taking into consideration that mostly, in such situation the power bearers with whom they have to interact with while defending human rights are men. Additionally in formal peace processes women's agency and effectiveness is currently far from being recognized in the south Asian

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<sup>4</sup> A written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organisation with general consultative status; ALRC-CWS-12-01-2009

context. These aspects add up the weight of the barriers they have to overcome in order to work towards what rights and justice.

### ***Gendered restriction on freedom of movement***

- *In the traditional value system that perceives women in a typical domestic role, there is no place for women seeking rights and justice. We would like to quote the feelings expressed by one of the respondents, “the biggest challenge we women face is due to the attitudes and practices in our societies. The culture is such that when it is women rights issues it becomes the least important for all, this is a very big challenge, we need to convince all that women’s issues are very important and if any society fail to address them they are prone to be heading towards conflicts which eventually can lead to armed conflicts also this situation is a serious impediment for development”.*

### ***Non recognition of violations and impunity***

- *A respondent from Bangladesh notes that “the obstacles for WHRDs are high and sometimes difficult to overcome. Prejudices, patriarchal social traditions about how women must ‘behave’ have often led to the labeling of victims of violence as women with questionable morals and having ‘encouraged’ the violence and its perpetrators. Women human rights activists are also seen as having too much ‘freedom’ and ‘disrespect’ for men, especially if they are working at the local or grass roots level. They are sometimes considered bad examples. One of the major obstacles the WHRDs face is non-cooperation from the police, particularly, in respect of providing information relating to cases of violation of women rights. WHRDs have reported that the police did not take immediate action against the perpetrators in cases where the perpetrators were threatening victims and witnesses, with a few exceptions”.*
- *The patriarchal behavior patterns existing across the region poses a variety of constraints for the WHRDs and Human Rights Organizations. Experiences shared by respondents’ further support this argument; “Reena (name changed) escaped from the target to her life by her husband on 1<sup>st</sup> December 2011. She was tried to kill by a spade and she ran out with her two years old daughter. She was physically and verbally abused many times before and she many times had been to her parents place. Somehow the in-laws negotiated and every time she had to come back for the same abuse. But this time she ran to a WinG promoter’s (Rani-name changed) place and where she was referred to a shelter home for her safety. On the next day, she was started to search by her in-laws and the husband’s family came to know that Rani was involved in referring Reena to the shelter and the charged was “why domestic and family issue was public? We could have solved it and from the beginning itself we have been solving it”. And so Rani should be responsible for bringing back Reena to her husband whereas Reena’s response was very difficult, “I will never go back to my husband’s place and never”. We faced non cooperation from authorities and other services providers. Besides, to the level of our surprise, we saw the police and community leaders standing in favor of perpetrators”.*



- Safety of WHRDs of sexual minority has emerged as a growing concern in the region. *Respondents indicated that safety and security of sexual minority WHRDs in the region remained weak, with some reported harassment, not only from state agents but also at the hands of members of the public (non-State actors). “In Nepalgunj (Nepal), one lesbian couple was living together for 3 years and the transman was bearing all costs for his partner but one day his partner’s family called her and told to come back home. She departed for home after consulting with partner. When she reached home then she came to know why she was called to home after that observing situation she made a phone call to her partner. While the transman came to know that he talked with his colleague and walk towards her home while they reach there, her family members started to scold them using vulgar words including chhaka hijra and many more when the transman tried to speak to his partner her family started biting his partner and threatened the transman and his friends. If they do not leave the home immediately they will beat them and call police and arrest them. Some villagers were also present there at that situation but everybody were in favour of perpetrator (girl’s family members)”.*

Impunity too is a serious threat that WHRDs face because a chain of instances of impunity where it becomes the norm reflects that State is not serious about defending women rights defenders, that there is no nodal authority for WHRDs whom they can approach and that the perpetrators appear to be more powerful operationally than the State ; where they can keep on violating human rights without being closely monitored and controlled or punished by the state. Of course situations become more abysmal when the trend of impunity:

1. Doesn’t break even in the cases of heinous crimes against WHRDs
2. When the perpetrators are themselves State’s representatives

On one hand, these situations are challenging for WHRDs and as noted earlier even full of threat – not only dismissing their work but also trying to sabotage it. But on the other hand these are taken up by them as challenges they need to solve and transform. They do not see these situations as ‘problems’ but aims, aims to work towards.

#### **Representation before the UN Special Rapporteur on Human Rights Defenders**

Ms. Margaret Sekaggya on January 14, 2011 at Guwahati, Assam, India brought forward the abysmal situation of human rights defenders particularly women human rights defenders in north east India. The status of women in north eastern states remains marginalized due to several factors. Patriarchal values of the society and the ongoing armed conflict has been responsible for restricted mobility, interstate migration and trafficking, lack of resources and livelihood options for women and caused hardship in women’s education. Women, as human rights defenders in north east India, work on a range of issues and against various actors both public and private. Decade long armed conflict and ethnic conflict resulting displacement, violence against women remains the prime focus area of most of the women human rights defenders. Women human rights defenders remain vigilant against crimes committed by private actors like domestic violence, patriarchy, social evils like witch hunting and so on.

## **‘Resurrecting’ the South Asian context through WHRDs’ experiences**

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These experiences of the women human right defenders from different countries showed their uniqueness of course but what they’ve also exhibited are the strong common struggles and conditions that find manifestation in all of their lives, be it in India, or Bangladesh, Pakistan, Sri Lanka, Nepal or Afghanistan; as if making and fleshing out a ‘South Asian context’. This commonness has been in the challenges and struggles they have had to face and continue to face for who they are. As women defending human rights they’ve enraged the structures of male power, defied the standards of femininity and challenged the norms that clearly defines who a good woman or a bad woman is through manipulated religious doctrines. Overall, WHRDs across all of the above countries have stood up and fought against the representatives of the patriarchal structures and this has been their victory. This situation has been further complicated where the WHRDs are raising not any general human rights issue; but those of women themselves. In that case, they have had to hold the fort for not only who they are, but also for what they do. Religious fundamentalisms and other forms of extremism such as caste in India further endanger defenders of women’s rights. The perpetrators as mentioned by respondents are varied, including fundamentalists, police, armed forces, community leaders, traffickers, travel agents and members of the family or community.

### **Defending women’s rights**

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 pertained to women. Cases involving women defenders constitute 21% of the 1,115 appeals received from Asia Pacific, with the highest number of defenders’ communications coming from this region. (Jilani 2008: 8 – 9) For 2008, the United Nations Special Rapporteur on Human Rights Defenders acted on about 121 communications pertaining to women human rights defenders, or an average two cases per week. (Sekaggya 2009) Urgent appeals circulated among members of the WHRD IC from 2008 – 2009 averaged at least one per week. (WHRD IC 2009) Overall, the number of reported human rights defenders’ cases increased steadily over the years, and violence against women human rights defenders persist. The figures above, while indicative of the occurrence and persistence of violations, do not present a complete picture of the situation of women human rights defenders.

Respondents’ replies too showcase the importance of defending women’s rights for a WHRD. Almost in all the cases, while speaking about their own experiences and narrating instances of struggles or violations, the concerned WHRDs have spoken about their work with women and instances of defending women’s rights.

Bringing to light the deep chasm between the liberty & dignity that a man enjoys and that a woman wishes to have has been a difficult thing for all the WHRDs across the countries; as if in the society / the community or those in legitimatised authorities would want to discuss and talk about any issue, but these. That issue of dignity of a woman and hence a woman



defender does not have the gravity that it needs to, constitutes yet another common thread of the 'South Asia'. 'Women are not meant to be in the public domain and if they are, they will have to put up with all sorts of violations' seems to be the general understanding in the subconscious. This clearly relates with the distance that girls and women have been kept at from opportunities of education, good livelihoods, sports, recreation and participation in a more public sort of life. The South Asian context thus formulates itself around the following pegs, those that the WHRDs' experience from the different countries shares and brings out:

### ***Patriarchy coupled with cultural identities and religious fundamentalism***

South Asia has a strong sense of cultural identity and the primary vehicle for the same is seen as women's bodies. As a result women's bodies are marked with clear boundaries, scope, limitations and an accompanying sense of 'transgression'. In this lived discourse, women are very clearly supposed to do something and not supposed to do other things; and if they venture into these domains which are forbidden for a woman to enter, then her body will need to bear the consequences; as it is primarily her body that she becomes identifiable with. The only function hence women are then provided with is to 'stay in-house', so that they are 'protected' by the men of the society who in turn occupy the public domain. But these cultural vehicles need not step inside the more 'open' public domain; if they do they lose all the right to be protected and become open to 'legitimate attacks'. This is a structural challenge that WHRDs have to always stand up to and fight against as they are always, voluntarily or involuntarily going against the definitions of femininity and the social construct of even 'being a woman'. By their very belief in equality of the sexes and their belief in their own opinions and voice they become defiant for the representatives of patriarchy.

Generally speaking, religiousness fundamentalism as it gets practiced across the South Asian countries that we are talking about here has this cultural identity of the woman in the centre; giving it a religious sanction. It is a demonstration of a strong nexus between certain forms of religion and patriarchy. Such a process has aversion to 2 things: (i) women themselves standing up and participating independently in socio-politico-economic life and (ii) women supporting and mobilising other women to do that as well. WHRDs do both and suffer violence through the hands of the actors of the other side since patriarchy uses violence (and its degrees) as its instrument and tool. Almost every WHRD who participated in the study mentioned fear from patriarchal institutions that interpret women activism negatively. WHRDs shared instances where they were named as prostitutes, *hizra*, *chhakka* and *ungodly*. In some of the countries it was shared that the customary law and religious orders that run parallel to the formal legal system, hampers WHRDs' work to a great extent. Above all, non-recognition of violation against WHRDs has emerged as a common trend across the region. It is worth noting that no respondent mentioned any specific measure taken up by any of the governments in the region to address protection issues of WHRDs.

### ***Impunity & normalisation of violence***

This is yet another common context that the WHRDs work in. All of the respondents shared how the perpetrators were generally left unaddressed and unpunished. This is not only because the gravity of the situation is not understood properly, this is because some acts of

violence are considered 'normal' especially physical, verbal and sexual abuse. Even the actors in the State feel that WHRDs are such women who '*cross their boundaries inviting problems*'. Hence violative acts are normalised. Then, crimes like rape are probably seen as 'rampant problems', which are not rare. A deep moral disagreement with the roles that WHRDs play makes the entire thing complicated and regressive. Impunity as a norm is what the experiences of these interviewed WHRDs reflect and establish.

Women Human Rights Defenders are active in an environment that is not only challenging but also life threatening. Whether they focus on women's human rights or other rights issues, they are subjected to arbitrary imprisonment, torture, forced disappearances, death threats, violations of privacy, sexual violence, name calling and other threats to their credibility, closure of organisations and a host of other violations because of what they do, in defence of human rights <sup>5</sup>.

### ***Lack of Human Rights Discourse as a lived and a felt reality & Lack of recognition of the WHRD identity***

However, there is scope for making the HR discourse a felt and a lived reality. Currently it stands the fate of a mix and stir approach. There is much scope where people's development can be fully conceived in the framework human rights, rather than it becoming an extra issue to be dealt with. This translates into a lack of respect for the work human right defenders, lack of appreciating the seriousness of human rights violations of people including HRDs and WHRDs, linking the work they do with terrorist activities and state it anti-national at times too. Many respondents shared how even as they approach law enforcement agencies, they come across twin processes – (i) the agency not interacting in the human rights discourse and (ii) not entirely understanding the issue of a violation of the human right of a defender herself. This is also connected with an overall national awareness of an identity of a WHRD and the issues they have to deal with and face especially in comparison to men HRDs. Where law enforcement agencies must become the backbone of the WHRDs, but in turn they make the WHRDs feel helpless.

### ***State's weak initiative***

All respondents related a lack of will on the part of the State as far as Human Rights Institutions are concerned in the countries of South Asia we are talking about here. High degree of impunity, lack of orientation and sensitisation of the law enforcement agency reflects this lack of will. The State does not recognise and value them as critical pillars of increasing democratisation process. Also, none of the respondents could count strong pro WHRDs instruments that have been formulated at national levels relaying a sense of security to the WHRDs for going ahead in their work. As far as the WHRDs are undertaking actions which are not threatening the authority structures, they are somewhere even lauded by the State, but as they act to unravel human rights abuses they are not being owned or supported by the State. That is the general feeling that prevails.

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<sup>5</sup> Statement of the WHRD International Coalition on Women Human Rights Defenders Day

### ***WHRDs abused by either state, non-state even anti-state actors***

Hence WHRDs aren't able to acquire true support from any of other actors as what they really wish to do is to unravel human rights abuses. Having said this, it appears that currently none of the above indicated domains function without human rights abuses. And if unravelling agents of these are the women, then patriarchy reacts whether through state actors or through non state or through anti state. It's a curious thing, but true. Respondents shared how they get threatened by all these types. And the way in which they threaten WHRDs are too, common; mostly through sexual humiliation and threats of hampering their dignity through harming their bodies.

### ***WHRDs continuing to fight!***

This is yet another, the most spiriting commonality making the South Asia context. WHRDs, especially due to the challenges they face value their struggles and their need to struggle the most. They believe that the very fact that a woman can be pushed into a vulnerable situation means we haven't yet reached the atmosphere of equality. All the more reason they must continue to struggle!

### ***Risks, Threats, and Perpetrators***

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Threats to women human rights defenders are of particular importance, since women, in the South Asian context, are subject to general discrimination based on gender as well as increased threats owing to gender specific violations. The study reveals that for the WHRDs promoting and protecting women's rights there are additional risks beyond those typically faced by their male counterparts. This is largely because WHRD's assertion of rights perceived as a threat to cultural, religious and societal norms. Women face human rights abuses not only as HRDs, but also as a result of gender-based expectations about their position in society.

Threats faced by women human rights defenders are not limited to one region or country of South Asia, it is ubiquitous. In Sri Lanka and Nepal, the state directly or through its agencies is consciously engaged in threatening women human rights defenders. Similar incidents are reported from Bangladesh and Pakistan. While in Bangladesh, fake encounter killings and demands for bribes have become common, in Pakistan, human rights defenders face serious threats to their work not only from the state agencies, but also from fundamentalist groups.

As shared by the respondents, threats and attacks on WHRDs were from both the state and non-state actors which could be classified as follows for the purposes of a study;

**The "state" as a source of threat:** Introduction of new laws and restriction over democratic freedom such as freedom of association exists in the region that presents hurdles for WHRDs. A respondent from Pakistan shares that *"as such no legal barriers exists however government through laws wants a greater control over NGO work"*. Similarly, In Sri Lanka

the situation is at its worst where the state “misinterprets” the law to control human rights activities. WHRD from Sri Lanka expressed that *“existing acts such as the Prevention of Terrorism Act could be used for anyone who criticizes the state”*. This is always an underlined threat for any HRD. A number of WHRDs also shared that the state *“deliberately” denies work, efforts and challenges of WHRDs*. A WHRD working in north eastern Indian state of Manipur shares that *“heavy militarization of this region has resulted into restricted mobility and insecure environment for the WHRDs to work”*. Similarly, WHRD working on human rights of dalit women have shared that there are *“regressive policies of the State – to clamp down voices of the oppressed groups”*. In Bangladesh, WHRDs working on issues of minorities shares that *“religion (majority & Minority problem is very serious. In 1947 the minority (Hindu Buddhist & Christian) population was 33% now in 2011 it come down 10.1% due to government torture & Different law”*. Across the region, there is no exclusive law to protect and promote work of WHRDs exists.

**“State agents” as a source of threats:** WHRDs in the region face threats and harassment from state agents such as the police, the army and government officials. The authorities deliberately maintain “indifference” towards WHRDs and their work. Among authorities, the general perception on WHRDs issues goes in line of the “typical” issue of women. A WHRD working in Nepal expressed that *“Police don’t cooperate with WHRD victims, or lodge complaints - including on sexual violence. Police don’t consider women’s issues to be human rights issues”*. Experiences shared by respondents reveal that the police, a critical part of justice delivery mechanism, are not gender sensitive. Respondents also indicated a number of critical stakeholders as gender insensitive. A WHRD from India underlined that *“lack of sensitization amongst intellectuals, police, administration, political leaders, CSOs, officials (Govt and private), community leaders, student leaders etc”* adversely impacts the work of WHRDs. The “system” favors powerful people. In developing democracies like Afghanistan, WHRDs efforts gone “unrecognized”. As shared *“in Afghanistan, if a women is suffering from violence none of the Government officials listen to any rights defenders just because the people are involve in violence are related to Politicians and corrupt people”* it is not much difficult to understand the state of affairs.

Respondents from conflict areas shared on unlawful acts of armed forces in the name of maintaining internal security. In Government offices the WHRDs are not being listened. In government offices also the issue of being gender insensitive is present. Members of the police and army were also cited as perpetrators of physical attacks on WHRDs.

The lack of gender sensitivity among policy makers and implementers adversely impacts the “justice environment”. As a result the programs meant to upholds rights of women are actually designed to fail. It is expressed that (even) in the programs/ meetings that are to be attended by WHRDs, they are not called (deliberately). The patriarchal mindsets of policy makers leads to development of traditional welfare based women development program. WHRDs working in Bangladesh expressed that in development planning process *“issues of women are not given priority and as a result there is no specific plan to address specific issues of women. This also results as inadequate or no allocation of resources to address justice needs of women”*.

**Non-State Actors as a source of threat:** The respondents report that the Non-State Actors as a big threat to their work. Non-State Actors refer to members of the community, general public, religious leaders, corporates etc. The WHRDs working on issues of migrants and human trafficking; counts brokers and placement agencies also in this category. The respondents shared a range of “degrading acts” they faced including physical attack, harassment, threats, and verbal assaults. Sexual minorities WHRDs also reported social and religious discrimination. A WHRD from Afghanistan reported the constraints they face as *“the most important challenges the defenders face are the charge with secularism as it is clear that the most activists are blamed with secularism and secularism is regarded worst thing in Afghan religious dominant society”*. WHRDs struggle at domestic fronts as well and face absolute *“lack of support from community and family members due to patriarchal thought”*. It is also shared by respondent that *“patriarchal conditioning of both men and women sanction use of violence, coercion to enforce and ensure compliance by women where violence is used by men to ‘control’ women”*. This results as poor response to WHRDs work at community and local levels.

A WHRD working in Manipur (India) sums it up saying that *“First and the foremost factors that hamper women’s participation as human rights defenders is gender based violence at home and outside. Gender-based violence is not just physical or sexual but also mental, verbal, emotional, financial and intellectual which is perpetrated by the deep-rooted gendered cultural and social relations between the two sexes in our society. Patriarchal conditioning of both men and women sanction use of violence, coercion to enforce and ensure compliance by women where violence is used by men to ‘control’ women. Gender based violence is one factor that forces women human rights defenders either to give up the profession as defender particularly after marriage or some forcefully prefers to remain single”*.

## Human Rights Commitments: the South Asia Context

In the South Asian context the South Asian Association for Regional Cooperation (SAARC) is an important body, the role of which also needs to be understood and assessed as we try and make sense of the larger context that the experiences of the WHRD respondents exist in, on the ground. It is important to start understanding the relationship between policy environment and experiences of the WHRDs in the regional context of South Asia. SAARC has yet not taken clear and effective steps to deal with the human rights violation in the region. What it has confined itself to, for many reasons, has been the issues that it took up when it had got constituted and formalized; viz. agricultural and rural, biotechnology, culture, economic, energy, environment, funding mechanism, human resource development, information communication and media, people to people contacts, poverty alleviation, science and technology, security aspects, social development, tourism and, trade and finance<sup>6</sup>.

### SAARC's Objectives:

The starting process to form a SAARC was introduced in 1970 by the then President of Bangladesh. The idea was to form a trade bloc in the region. 11 years later India, Pakistan and Sri Lanka accepted the proposal and yet 2 years later in 1983, a declaration on South Asian Regional Cooperation was accepted. In 1985, heads of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka met and signed the charter instituting SAARC. In 2007 Afghanistan also joined as a SAARC member. In 1987 SAARC established the SAARC secretariat which resides in Katmandu, Nepal.<sup>7</sup>

The objectives of the association are as follows:

- To advocate for the welfare of the peoples of South Asia so as to improve the quality of their lives
- To promote the economic growth, social progress and cultural development of the region and allow every person to live with dignity and achieve their full potential
- To build and reinforce a cooperative self-sufficiency among member countries
- To allow for mutual understanding, dependence and acknowledgment of each countries problems
- To promote cooperation and support in the economic, social, cultural, technical and scientific fields
- To encourage collaboration with other developing nations
- To create a common mutually beneficial stance on certain issues in the international forums
- To work with other international bodies with similar aims and purposes

<sup>6</sup> [http://www2.ohchr.org/english/ohchrreport2012/web\\_en/allegati/downloads/1\\_Whole\\_OHCHR\\_Report\\_2012.pdf](http://www2.ohchr.org/english/ohchrreport2012/web_en/allegati/downloads/1_Whole_OHCHR_Report_2012.pdf)

<sup>7</sup> <http://www.childlineindia.org.in/South-Asian-Association-for-Regional-Cooperation.htm> )



A clear focus on Human Rights however and strong processes that for addressing violations has been a debatable issues. Although its founding Charter, Social Charter and Democracy Charter mention the importance of human rights and the organisation has also brought in conventions relating to human rights aspect, viz. Convention on Combating and Prevention of Trafficking in Women and Children for Prostitution and on Promotion of Welfare of Children, it's primary lack has been seen as an inability to promote an effective spirit of regional cooperation and action on human rights violation and defenders' issues. It is counted that unlike the Europe, Latin America and the Africa region, the South Asian region does not yet have a human rights mechanism, which can either push the member states for adherence and compliance or address violation issues proactively. Hence in this field the undertakings of the SAARC are not assessed as highly spirited. Advocates of strong human rights culture feel that SAARC needs to do much more and much quickly as far as this aspect is concerned.

### **Member Ratifications and SAARC Conventions & Agreements: A quick analysis from a human rights lens**

*Below are the ratification details of UN human rights treaties by SAARC member states*

Country	CERD	CCPR	CCPR OP	CCPR OP2	CESCR	CESCR OP	CEDAW	CEDAW OP	CAT	CAT OP
Afghanistan	6 July 83	24 Jan 83			24 Jan 83		5 Mar 03		1 Apr 87	
Bangladesh	11 Jun 79	6 Sep 00			5 Oct 98		6 Nov 84	6 Sep 00	5 Oct 98	
Bhutan	S:26 Mar 73						31 Aug 81			
India	03 Dec 68	10 Apr 79			10 Apr 79		9 Jul 93		14 Oct 97	
Maldives	24 Apr 84	19 Sep 06	19 Sep 06		19 Sep 06		1 July 93	12 Mar 06	20 Apr 04	15 Sep 06
Nepal	30 Jan 71	14 May 91	14 May 91	04 Mar 79	14 May 91		22 Apr 91	15 Jun 07	14 May 91	
Pakistan	21 Sep 66	23 Jun 10			17 Apr 08		12 Mar 96		S:17 Apr 08	
Sri Lanka	18 Feb 82	11 Jun 80			11 Jun 80		5 Oct 81	15 Oct 02	3 Jan 94	

Notes: Source: www.bayefsky, [www.icc-cpi.int](http://www.icc-cpi.int), S-signed only, not ratified

Country	CRC	CRC OP AC	CRC OP SC	CMW	CPD	CPD OP	CED	ICC	Total Ratification by country
Afghanistan	20 Mar 93	24 Sep 03	19 sep 02					10 feb 03	9/18
Bangladesh	3 Aug	6 Sep 00	6 Sep 00	S:7 oct 98	30 Nov 07	12 may 08		23 mar 10	12/18
Bhutan	1 Aug	S:15 Sep 05	29 oct 09						3/18
India	11 Dec 92	30 Nov 05	16 Aug 05		1 oct 07		S: 6 feb 07		8/18
Maldives	11 Feb 91	29 Dec 04	10 may 02		S: 2 Dec 07		S: 6 feb 07		11/18
Nepal	11 Sep 90	3 Jan 07	20 Jan 07		S:3 Jan 08	S:2 jan 08			11/18
Pakistan	12 Nov 90	S: 26 Sep 01	S:26 Sep 01		S:25 sep 08				5/18
Sri Lanka	12 July 91			11 Mar 96	S:30 mar 07				8/18
Total Ratification by treaty	8/8	5/8	7/8	1/8	2/8	1/8	0/8	2/8	

Notes: Source:www.bayefsky, [www.icc-cpi.int](http://www.icc-cpi.int) S-signed only, not ratified

CERD- Convention on the Elimination of All forms of Racial Discrimination

CCPR- International Covenant on civil and political right

CCPR OP- Optional Protocol to the International Covenant on Civil and political Right

CCPR OP2- second optional protocol to the international Covenant on Civil and political rights

CESCR OP- Optional Protocol to the international covenant on Economic, social and cultural rights

CESCR OP- Optional Protocol to the international covenant on Economic, social and cultural rights

CEDAW- Convention on the Elimination of All Form of Discrimination against Women

CEDAW OP- Optional protocol to the convention on the Elimination of All Forms of Discrimination Against women

CAT- Convention Against torture and other cruel inhuman or Degrading Treatment or Punishment

CAT OP- optional protocol to the convention against torture And other cruel inhuman or Degrading Treatment of punishment

CRC- Convention on The rights of the child

CRC OP AC- Optional protocol to the convention on the rights Of the child on the involvement of children in armed conflict

CRC OP SC- optional protocol to the convention on the rights Of the child on the sale of children, child prostitution and child Pornography

CMW- international convention on the protection of the rights Of all migrant Workers and Members of Their Families

CPD-Convention on the rights of persons with Disabilities

Convention on the elimination of all forms of racial discrimination has been ratified by almost all the members except Bhutan. Similar is the case with Covenant of civil and political



rights. Similarly with the other mentioned conventions, in each case, more than half of the members have ratified the same. What however is important to bring to notice is that in case of optional protocols, which are critical to ensure that rights do not only exist but are enforced, most members fall short. In most cases as it is reflected above, (in 34 cases out of a total 42) these enforcement mechanisms of the stated rights are not put in place by the governments SAARC does not have pushing these mechanism on its priority agenda.

A look at the current conventions and agreements too indicate that working on human rights is not one of the prioritised areas. Out of the 14 such conventions and agreements only 1 could be considered as human rights mechanisms. The list is being mentioned below:

<b>SAARC Conventions</b>
<ul style="list-style-type: none"> <li>• SAARC Convention on Combating and Prevention of trafficking in Women and children for prostitution</li> <li>• Convention on mutual assistance on criminal matter</li> <li>• SAARC Convention on Narcotics Drugs</li> <li>• SAARC Regional convention on suppression of Terrorism</li> <li>• Additional Protocol on terrorism</li> </ul>
<b>SAARC Agreements</b>
<ul style="list-style-type: none"> <li>• Agreement for establishment of SAARC Arbitration council</li> <li>• Final Agreement on Avoidance of Double Taxation</li> <li>• Final Agreement on Customs Matters</li> <li>• Charter of the SAARC Development fund (SDF)</li> <li>• Agreement on establishing the SAARC food bank</li> <li>• Agreement on south Asian Free Trade Area (SAFTA)</li> <li>• Agreement on the Establishment of South Asian Regional standards organization (SARSO)</li> <li>• Agreement on Avoidance of Double Taxation</li> </ul>

As the table above reflects, the focus of most of the conventions is economic and in some cases related to cross border issues and cooperation related to crime. In that sense, the reason of its manifestation way back in the 1980s continues to be the predominant way of articulating and thinking of regional cooperation, and have not yet moved a step ahead especially in the human rights domain.

Thinking about and undertaking concrete action for protection of human rights defenders is in a way the second and more evolved step; rather – the next step. Once an institution or a body / outfit starts to work on addressing human rights violation and creating an environment which ensures and promotes people to exercise their rights, it soon recognizes the importance of protecting the agents who make it possible for such an environment to exist; the human right defenders. And if enough openness and an ability to monitor and

assess the undertaken work is fairly present, then it is soon also experienced that the women right defenders need special protection and active support.

Both these steps on the ladder have not been marked by SAARC. As a result an affirmative action for women human right defenders from the national governments of the South Asia too, has not yet marked either its impact or its mention. Although SAARC's policy environment hence does not reflect any barrier to WHRDS' work, but on the other hand it also does not reflect any strong and clear intention or full instrument to support, protect and promote WHRDS.

### **Peoples' SAARC**

Peoples SAARC is a platform created and used by the people of South Asia themselves; it's a peoples own platform and that is why the name. It has like minded groups, individuals, academia, organic intellectuals, people from NGOs, movements etc; and everyone has got together for promoting and working towards more and more democratisation, justice, human rights and overall build peoples resistance against the force of globalisation across the nations of South Asia<sup>8</sup>.

Peoples SAARC holds workshops, seminars and meetings before the SAARC summit takes place. The idea is to bring on board the experiences and expectations of the people of the South Asia themselves and educate the government<sup>9</sup> of the South Asian countries about their own peoples concern, so that peoples own concerns are relayed to the governments and they keep their own people of the region in the centre of the many moves and programmes they plan. Concerns of peoples SAARC have been:

- Democracy and Human Rights
- Women leadership in people's movement
- Trade and Livelihood
- Militarisation and De-nuclearisation
- Natural Resources and People's Movements for sustainable development
- Nuclear industry in South Asia
- Rebuilding Labour movement in the region, Exclusion, discrimination and oppression in South Asia.

What the peoples SAARC has been trying to call for it to bridge the gap between what the region's and peoples' needs are and the direction that the SAARC takes. Given the gap between proactive undertakings on the issue of WHRDs and the experiences that the

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<sup>8</sup> [http://peoplesaarc.blogspot.in/2007/03/greetings-from-peoples-saarc\\_20.html](http://peoplesaarc.blogspot.in/2007/03/greetings-from-peoples-saarc_20.html)

<sup>9</sup> <http://southasia.oneworld.net/news/south-asian-activists-to-hold-peoples-saarc-convention#.UnFSMFNImp>

respondents have shared, the urgency to bridge this gap appears grounded and essential.

## **Juxtaposing the ‘South Asia’ arising out of the WHRDs experiences with the formal policy environment**

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In addition to the various instruments that the South Asian countries have, all of them (those taken for the purpose of this study) have the following institutions too:

- The Human Rights Commission
- The Women’s Commission

What, however, the respondents’ reports echo fits in line with what the analysis based on the formal information has brought out: a lack of proactive approach and a lack of effective role of the State based on the legal and formal instruments – be it outfits or laws or policies on the issue of protecting women human right defenders. The respondents’ experiences shared the following:

- Despite having the above organisations in place only 4 out of 23 have ever approached them regarding a case they were struggling case. This gap of approaching an organisation which has the same mandate as the WHRDs has been telling of the legal and policy environment that the WHRDs find themselves in and the lack of support they feel. These 4 too, have still not been able to get any response until now. Proactive action from these organisations’ side is almost non-existent. List of pending cases is a regular feature and at times these organisations see their role more in advocacy terms rather than in terms of assertive actions or campaigns.
- Although none of the respondents recognised any formal legal barriers to their work, but at the same time do not even feel supported by the State, as explained above. It is a curious situation where they have nothing formal to oppose them and on the other hand, mostly all the societal actors are in opposition to their work. Overall, the State through India, Bangladesh, Afghanistan, Pakistan, Nepal and Sri Lanka bear indifference to the work of WHRDs as an important pillar of democracy.
- All the respondents said that their countries do not have any specific law on WHRDs. This they saw was a big lacuna which needs immediate bridging. They do not have any one strong instrument in their hands with which they can follow up on cases of impunity to begin with. The lack of protection provided to human rights work, whether to women human rights defenders and impunity to violations, is amongst the most fundamental obstacles facing the protection and full realization of human rights in the region.
- Not having a specific law on WHRDs is of course a big gap, but even those laws which exist for protection of women too, are not fully and properly implemented. All of them, in this case too, spoke of the need of fuller and fuller implementation and enactment of such laws; especially those which are mandated to address violence against women.

- The right to defend and promote human rights is recognized by the United Nations. The South Asian countries are signatory to a number of treaties, conventions and resolutions that promises promotion and protection of human rights and fundamental freedoms. Nevertheless, the experience suggests inadequacy and lack of support mechanism in south Asian countries to uphold human rights and defenders of human rights. The state agencies and non-state agencies, both are sourcing violence on WHRDs. Contrary to the various commitments that States from the region have made to the United Nations' human rights mechanisms and institutions, there is a complete absence of effective mechanism to protect and promote rights of defenders particularly for the women human rights defender

Hence, there is a clear link between what WHRDs face as challenges and limitations in their work, and the kinds of policy environment which these South Asian nations have. In the region there is highly inadequate support mechanism exist for WHRDs. Deliberate efforts of violators to “defame” WHRDs leads to sabotage in their (WHRD's) image in the community. Lack of support system and culture of impunity together create an unfavorable environment for human right defenders, especially women. This not only discourages the present generation of WHRDs but also to the upcoming defenders.

## Directions forward

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*“The realization of economic and social rights for rural women, increased and equal access to assets and resources, including equal inheritance rights, is a necessary step to sever the dependence of women on their spouses and families. Legal and policy environments which are responsive and promote independence and empowerment of women, is also essential for women to seek remedies for violations of rights.”*

*(Message of the United Nations Special Rapporteur on violence against women for 2012, Ms. Rashida Manjoo , Special Rapporteur on Violence against women, its causes and consequences”)*

The message above sets out the direction which we need to take in order to respond to the situation and culture of violence against women in a manner which is comprehensive. In the context of what has been highlighted until now, it hence becomes imperative to see what agents can drive such a change home. Such a direction cannot be undertaken without the government of the nation becoming interested and committed. Such political will and commitment is exhibited by the policies and laws a government creates and the mechanisms it sets in place to realise those policies and laws.

The next steps need to be undertaken in the direction of strengthening WHRDS across South Asia by the National Governments. Of course there is a host of things which can be initiated. The spirit or the guiding principle however needs to be stated and understood in clear terms: that WHRDs are at the heart of an increasing process of democratisation in which women find their space, dignity and rights to a fulfilling life. This cannot be obtained without having a strong cadre of women human right defenders – who at all times are fighting a double battle for the women they work with and for themselves. It must be underscored that it is not only the primary responsibility of the State but the only possibility of erecting a proactively supportive environment for the WHRDs remains with the State. The State must find ways of saving the courage with which WHRDs take steady steps in helping realise fundamental freedoms and rights. With a progressive spirit the States across the South Asia must come ahead and create instruments which focus on strengthening the courage of women rather than looking at them as natural victims.

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**Recommendations:** While recording their experiences, their opinions and their views, the participants also wrote about what they thought must be undertaken by the National governments and governments at the South Asia level. These were expressed as something woven in the narrative of their stories. Those are summarized below under this title; as they are really speaking recommended directions for the governance institutions:

- Governments in South Asian countries must recognize the trend of victimization of WHRDs as one of the biggest threats to the security and the work of WHRDs and evolve mechanism to protect rights of WHRDs

- Civil Society Organizations to make appropriate and adequate investment to facilitate ongoing communication at the local and regional levels between WHRDs, diplomats, NGOs and governments in order to strengthen and expand existing support networks.
- Human Rights Organizations to monitor more closely the trends of victimization in countries of concern and making these cases visible thereby undertaking specific actions for dissemination of the information to different stakeholders and making frequent representations to states where there is cause for concern.
- Human Rights Organizations and coalitions to build pressure on appropriate authorities to ensure that international obligations and commitments to protect and promote work of WHRDs are fulfilled
- To draw special attention of authorities towards protection need of WHRDs working with groups marginalized due to their identity (as women, as LGBT, and religious minority, ethnic or indigenous groups).
- To evolve a mechanism to address capacity building needs of practicing WHRDs and induction of future WHRDs.

## Country Overview Reports:

Below are WHRDs' recorded responses classified under each country head reflecting country specific experiences and issues, allowing for a broad overview. They are consolidated based on the responses.

### 1. Afghanistan

#### Protection Mechanism for WHRDs

There is no specific institution or mechanism exists for protection and safety of HRDs in general or WHRDs in particular.

Ministry of Women's Affairs and Human Rights Commission though exists in Afghanistan but yet to gain autonomy and there are a lot of allegations regarding their work in protecting human rights.

#### Policy or Law that facilitate WHRDs work

*"Human rights violation is the most important threat to individual life in Afghanistan and it is worsening day by day due to the prevailing war between Taliban and ISAF forces that is why the existed laws and policies cannot be implemented", a WHRD.*

The constitution has awarded freedom and equality for all Afghan citizens however it cannot be exercised in present circumstances.

#### Challenges

*"Afghanistan is a country with limited freedom of expression especially for women. Beside that freedom of media and sooner access to the incidents and violations against women's rights are the means that can promote women's rights", a WHRD.*

The most important challenges the defenders face are (they) being tagged as secular. In such circumstances the work of HRDs become much more difficult as secularism is treated as the worst thing by religious fundamentalists of Afghan.

In Afghanistan, severe violation of Human Rights exists but HRD's movement to field is highly constrained due to insecure environment and threats from insurgents. Particularly for WHRDs the ever-present gender discriminatory behavior is a big challenge.



### Strength & Weaknesses of Human Rights Institutions

- The appointments in Human Rights Institutions are not fair and often aligned to the ruling parties or religious fundamentalist groups.
- Access of human rights defenders to human rights institutions or places of conflicts/human rights violations is highly constrained
- Poor or no implementation of law and policies related to protection and promotion of human rights

### Recommendations

#### a) **Government**

*“The need of defending women human rights is the cry of the day. Violation of women’s rights is in its apex in Afghanistan and the human rights activist cannot do much without government support that is why we are suggesting our government to give full support to the women’s rights defenders”, a WHRD.*

- Government should evolve a mechanism for safety and security of WHRDs

#### b) **Relevant regional body**

- It is required that the relevant regional body must support the government financially and technically to promote and protect human rights.

#### c) **UN and the international community**

- The UN agencies and International community should take action to ensure that a facilitative external environment exists that promotes the work of Women Human Rights Defenders in Afghanistan.

#### d) **Civil society**

- Civil society organizations should *come together as one to protect rights of Women Human Rights Defenders.*

## 2. Bangladesh

### Protection Mechanism for WHRDs

No specific institution or mechanism exists to address protection needs of WHRDs

The institutions exists are;

- The National Human Rights Commission

- The Ministry for Women and Children Affairs
- Legal Aid and human rights NGOs : engaged in extending knowledge, resource or legal supports to victims, survivors and human rights defenders

### **Policy or Law that facilitate WHRDs work**

There is no specific law or policy to protect or promote WHRDs work. There are some policies that provide scope of intervention for human rights defenders. The related policies are as under,

- The Suppression of Repression against Women and Children Act 2000 (amended in 2003)
- The Acid Crime Control Act 2002
- National Women Development Policy
- Domestic Violence (Prevention and Protection) Act, 2010
- National Child Policy
- The Human Trafficking Deterrence and Suppression Ordinance 2011

### **Strengths & weaknesses of Human Rights Institutions**

*“There is little the National Human Rights Commission can do, as it is limited to fact findings and giving recommendations to the Government. It is restricted from doing much else, as per the National Human Rights Commission Act 2009. Legal aid NGOs do as much as they can, but threats to the victims’ family and the accepting of bribes by the police make arrests and prosecution difficult. The Ministry for Women and Children Affairs is a Government institution. It follows the dictates of the Government and its activities are thus limited as well. It does not even campaign for the removal of reservations to Article 2 of CEDAW, as the Government does not think it fit to do so”, a WHRD.*

The human rights commission holds distinct powers to support the work of human rights defenders. It has power to investigate any allegation of HR violation, power to monitor the human rights situation and powers related to mediation and conciliation. However, it is yet to take up these roles fully.

Following points can be counted as weakness of these institutions,

- Overly controlled by Government red tape.
- Lack of Government will to improve the law and order situation
- Corruption in government machinery
- Lack of human resource
- Lack of funding
- Lack of infrastructure

### Recommendations

- The government should take proper steps for the implementation of existing laws/policies
- The relevant regional body should establish proper coordination with different stakeholders
- The women human rights defenders demands for cooperation from UN agencies
- Civil society groups must have a long term plan to strengthen human rights institutions

## 3. Sri-lanka

### Protection Mechanism for WHRDs

There is no specific mechanism exists to address security and protection needs of WHRDs.

National Human Rights Commission and National Committee on Women are the two major institutions that hold responsibility of promoting and protection Human Rights in Sri Lanka.

### Recommendations

The government should have policies that recognize the work of WHRDs. There must be systems/structures that address safety and protection needs of WHRDs in the country. The existing laws should be implemented qualitatively.

The civil society groups should develop a long term vision to promote WHRDs thereby having appropriate programming for induction and capacity building of WHRDs.

The South Asian community lacks a regional framework on Human Rights. We as a group of nations should draft this framework for the South Asia region.

It is required that the UN and international community takes steps to ensure that the UNSCR 1325, 1829 1888 & 1960 are implanted fully in Sri Lanka. At domestic level, the Civil Society groups evolve specific programs to bring about change in attitude with regard to human rights particularly the rights of women.

## 4. Pakistan

### Protection Mechanism for WHRDs

There is no specific mechanism exists that addresses safety and protection needs of

women human rights defender. The national level institutions responsible for protection of Human Rights are;

- National Human Rights Commission
- National Commission on the Status of Women

### **Strengths & weaknesses of Institutions**

*NCSW was a weak body till recently when it was strengthened with financial and administrative autonomy in January 2012. Changes have not come into effect yet. It was not actively working to protect WHRDs and did not have the financial or legal wherewithal to protect WHRDs*

The HRC has brought in many pro-women laws and has also been played role of a watch-dog thereby taking up review and monitoring roles for laws related to women. As weakness we can say that the absence of specific legal safeguard for WHRDs; grievances are settled under the common laws governing others crimes. This minimizes chances of speedy and fair justice for women.

### **Recommendations**

*WHRDs maintain that the State has, however, recently passed a few pro-women laws, which still do not spell protection for those working on these issues. Awareness –raising by the State on anti-women practices and crimes have, although lend themselves to growing acceptance for women’s issues and those affecting defenders, thereby increasing tolerance for groups working on women’s issues.*

#### **a) Government**

- The Government should come up with a policy to protect WHRDs. It is also required to strengthen existing institutions promoting interests of WHRDs, particularly the National Commission on Status of Women (NCSW). Sensitization of law enforcement agencies on Gender and crime against women has to be done on priority.
- Recognizing increasing attacks on WHRDs in the country, provision of safe housing is to be made. Clauses to ensure stringent punishments for attack and threats of attack on WHRDs are to be introduced. Access to justice is constrained by a number of factors. Actions to enhance women’s access to justice are to be mainstreamed with the justice delivery mechanism.
- Build acceptance for rights’ work within the country and help demystify donor-funding; NGOs are often criticized by taking donations from countries with imperialist designs, even though their programs have been developed and implemented by locals.

- Make laws and policies that award special protection to people working on sensitive issues; these may not necessarily be related only to women's issues.
- Lay the foundation of special commissions that act as watchdogs to violations of the rights of defenders.

**b) Relevant regional body**

- Recommend for developing a regional policy on HRDs in South Asia under SAARC
- Enhance the dissemination of stories that represent violations of the rights of defenders and share best practices
- Undertaking research on human rights issues and create an evidence base to intervene at policy level

**c) UN and the international community**

UN agencies and international community should take steps to monitor the environment within which WHRDs work. Level of response and compliance to different articles of UN International Declaration on HRDs is also to be monitored and negotiated with the Government by appropriate UN body.

**d) Civil society**

Needs to monitor threats and attacks on WHRDs/HRDs and form a network to bring about specific laws to address safety and protection needs of WHRDs. Civil Society should also evolve specific program that support victims.

## 5. India

### Protection mechanism for WHRDs

*"We do not have a law to protect women human rights defenders. Sometimes, we could be victims of repressive state laws", a WHRD.*

Different human rights institutions working in the country are;

- National Women Commission,
- National Human Rights Commission
- National Commission on Schedule Castes and Schedule Tribes
- National Commission on Minorities

The Indian constitutions and its articles from 14-23, 38, 39 and 51 support the basic intent

of protection and promotion of Human Rights. However, there is no specific mechanism or law exists to address security and protection needs of HRDs and WHRDs and they are catered to by the general laws.

### **Strengths and weaknesses of Institutions**

The commissions and other constitutional bodies mandated for protection of Human Rights have adequate resources and infrastructure. These structures have their state level counterparts as well and accessing these institutions is not difficult for anyone seeking justice. To an extent, the members of different commissions do understand the grassroots realities. Progressive laws have been introduced along with specific actions to enhance access to justice particularly for the marginalized communities.

There is a lack of proactive actions from these institutions. The number of cases that are pending with is huge. The positions remain vacant for long. This results as poor follow-up of cases and inability to deliver services. Still, a large segment of the population is not aware on role of these commissions. Being a recommendatory body, these institutions have limited scope to influence or intervene in policy matters. Sometimes the members lack of interest and willingness to implement different provisions. Indifference and insensitive attitude to acknowledge problems has also been experienced. Enforcement mechanisms are insensitive to protection and safety needs of women Human Rights Defenders.

*No law/act specifically for protection of Human Rights Defenders. Due to that often HRDs have to either leave the job or work with insecurity or sacrifice their lives.*

### **Recommendations**

#### **a) Government**

- The Government should put in place a mechanism to address security and protection needs of WHRDs. A white paper on situation of WHRDs in India is to be prepared by the Government. Specific steps towards protection WHRDs such as fast track courts, special WHRD cell at commissions etc. are to be taken. Gender Sensitization of law enforcement machinery particularly the police is must. Government must allocate funds to support needs of WHRDs.
- Government should take steps to ensure an encouraging work environment for human rights defenders. The provisions of protecting the rights of women human rights defenders should also recognize struggles of the common women, who resist discrimination, oppression.
- Bring out a circular to all institutions regarding code of conduct while dealing with women. Government should mainstream Gender into curriculum being taught in schools and higher education institutions. To promote gender sensitive behavior

the Government should institute award for gender sensitive officers and elected representatives.

**b) Relevant regional body**

- The WHRD's from Asia should meet together and address the specific issues concerning women's rights. The outcome should be integrated into the National Action plan in their respective countries. This should reflect in the five year plans or any other plans related to the development, empowerment and entitlement of the women.
- The regional body should monitor violence faced by WHRDs and provide specific recommendations to the Government on the status and challenges faced by WHRDs. Advocacy for Human Rights Defenders Bill is a common agenda for all that requires an initiative from regional bodies to intervene and lobby with Governments.
- Separate wings for WHRD with the state and non state bodies for violation of their rights with concrete and regular monitoring mechanism and maximum autonomy to represent and influence them to the judiciary.

**c) UN and the international community**

- Special rapporteur on Human rights defenders visited India last year, follow-up her observations is crucial. UN agencies should build pressure on Government to monitor the HR situation of the region and repeal of AFSPA.
- Establish support system in order to address issues with the existing UN systems, mechanisms and instrument of governance, UN conventions etc. Push towards proactive action plan. Evaluate the progress and share it with the rest of the world. Make laws and acts implementable.

**d) Civil society**

- Civil society groups should invest in promoting a coalition of WHRDs in India. Solidarity and unified representation in response to violation, systems and structures for unifying the civil society at the local and national level which represents such cases upon occurrence
- Transcend barriers without losing one's own identity. Inclusive strategies have to be evolved to build stronger alliances among women. As women and men we have greater responsibility to care for every life on Earth. Be it Climate Change, National resources, Forests, Water and Land. These are life flowing resources. These resources have to be protected and sustained in the context of WHRD's.

## 6. Nepal

### Protection mechanism for WHRDs

In Nepal, there is no law or mechanism specific to address protection needs of WHRDs. The human rights institutions in Nepal are,

- National Human Rights Commission
- National Women's Commission

### Strength a& weaknesses of Institutions

WHRDs can seek remedies under existing legal provisions as an individual. Due to this, there are procedural delays in WHRD's work. The national level Human Rights institutions are not fully independent. This is another reason that negatively impact human rights defense work in the country.

*"Yes, they are trying to sensitize women by establishing para legal committee in different villages/ areas. They are sensitizing through radio, television etc. but there is not sufficient/ proper follow up from the side of government. Once they establish or form a group and asked them to do the work after that they do not give them proper power and equipment to fight with the outer world", a WHRD.*

There are steps being taken by state actors to strengthen Human Rights environment of the country. The government is drafting a bill on HRDs to support their work. National Human Rights Commission of Nepal is planning to appoint National Rapporteur on HRDs. In 2008, the supreme court of Nepal directed the government of Nepal to provide security mechanisms to women human rights defenders during human rights violations.

### Recommendations

#### a) Government

- A mechanism to address security need of WHRDs is to be established by the Government. The mechanism must have provisions to ensure speedy actions in case of LGBTI Defenders, Dalit, Indigenous, Disability, media advocates and HRDs working on minority issues. A dedicated desk for WHRDs/HRDs should be established within the ministry. This will help in rapidly addressing the issues of political interference in HRDs work in the country.
- Government should ensure proper implementation of laws and policies for the promotion of the work of HRDs. Government should make commitment to end impunity. Concerned authorities should promote human rights education to



strengthen the work of HRDs. It is also required to ensure that the work and position of WHRD is included in all the trainings being given police and security forces. It is also to be ensures that women have atleast 50 percent representation in human rights institutions.

**b) Relevant regional body**

- The EU Guidelines/Implementation strategy on HRDs should be properly implemented and monitored.
- Establish a HRD Unit under EU WG which can be easily approached by all HRDs
- Make high level intervention regarding the threats faced by HRDs working on rule of law/impunity

**c) UN and the international community**

- They must organize cross culture program with grass root level activists to give them opportunity to learn from each other and to make them strong.
- Apply pressure to government for acting upon recommendations made by UN Mechanisms and other int'l bodies
- Pressure government to establish the effective mechanism for the protection of HRDs
- Make high level intervention regarding the threats faced by HRDs working on rule of law/impunity
- OHCHR should develop a strategy to prioritise the ending of impunity in Nepal. Specific attention should be paid to bringing an end to violence and discrimination including against gender minorities.
- Adopt special policies to address issues working on the LGBTI, Dalit, Disability, Minorities, Indigenous and religious theme.

**d) Civil society**

- To encourage WHRDs and ensure continuous capacity building
- Need to decentralize information from this national consultation
- Demand that government ensure the security of HRDs
- Establish network of WHRDs to address common challenges

## Format capturing respondents' experiences

### Personal Information

1. Name:

2. Age

☐ 18 – 25 years old

☐ 26 – 35 years old

☐ 36 – 45 years old

☐ 46 – 55 years old

☐ 55 and above

3. Address (Please specify city and country)

4. Name of organization

5. Is your organization?

☐ Local

☐ National

☐ Regional

☐ International

6. How long have you worked as an activist?

☐ Less than 1 year

☐ 1- 5 years

☐ 6 - 10 years

☐ 10-15

years ☐ More than 15 year

7. Have you experienced any violations against yourself as a WHRD?

☐ Yes

☐ No

If the answer to the above question (question 7) is YES, go to question no. 8, if NO go to question no. 11

8. Violation you have faced. ( Please feel free to tick as many options that apply)

☐ Threats

☐ Sexual harassment

☐ Threats to family

members

☐ Verbal abuse

☐ Criticism

☐ Attempted killing

☐ Unlawful arrest

☐ Attacks

☐ Restriction on freedom of

assembly

☐ others.....

9. From whom you faced the violation? ( Please feel free to tick as many options that apply)

- ☐ Family members officials
 ☐ Society/ Community
 ☐ Government Institution/ officials
- ☐ Security forces
 ☐ Political parties/ leaders
 ☐ other.....

**10. What constraints you faced in your workplace? ( Please feel free to tick as many options that apply)**

- ☐ Work Pressure
 ☐ Peer Pressure
 ☐ Competency
- ☐ Pressure
 ☐
- ☐ Time Limit Projects
 ☐ Gender Based Harassments
 ☐ Discrimination based on Sex
- ☐ Others .....

**11. What do you think are the causes of these constraints? (Rank 1- 5: 5- high in existence and 1- less in existence)**

- ☐ 3 Gender discrimination
 ☐ 1 Deep rooted culture
 ☐ 4 Patriarchy society
- ☐ 2 Lack of Education
 ☐ 5. Lack of protection mechanism
 ☐ others.....

**12. Please describe briefly the major challenges faced by women human rights defenders or groups advocating for the protection of women's rights in the context that you work in. (Please feel free to list as many challenges as you deem fit)**

- Pressure and threats from dominant caste groups
- Pressure from male members within the family
- State intelligence and monitoring
- Political parties
- Regressive policies of the State – to clamp down voices of the oppressed groups
- 

**13. Have you or has any member of your organisation had to face any persecution on account of their work to protect and promote women's rights?(For instance, attacks on reputation, sexual violence, failure of the state to bring the perpetrator to justice).**

- ☐ Yes
 ☐ No

**If the answer to the above question (question 13) is YES, please briefly describe:**

- a) the incident/s –violent attacks on dalit woman activist in Haryana because she was supporting victims to file a police complaint
- b) who you believe the perpetrators were – the dominant caste men in the village

**If the answer to the above question (question 13) is NO but you know of instance/s of persecution from your experience, please briefly describe:**

- a) the incident/s
- b) who you believe the perpetrators were

**15. What exists in your country to protect women human rights defenders specifically or human rights defenders in general in terms of.** (For instance, a women's commission or a law/ policy with regard to the protection of human rights defenders)

- a) institutions/commissions
- c) laws/policies

**Please also share briefly what you believe are the**

- a) Strengths of Institutions/commission
  - a. Adequate resources and infrastructure
- b) Weaknesses of Institutions/commission
  - a. Not able to deliver services.
  - b. Unable to push forward the cases.
  - c. Political vested interests
- c) Strengths of laws/policies
- d) Weaknesses of laws/policies

**16. Have you or your organisation approached any state or intergovernmental institution/s for redress against persecution on account of your work to protect and promote women's rights?**

☐ Yes ☐ No

**If the answer to the above question is YES, please briefly describe:**

- a) the experience
- b) The institution approached

**17. Are there any legal barriers to your work as a women's human rights defender or group advocating for the protection of women's rights? If YES, please briefly describe.**

**18. Are there any social or cultural barriers to your work as a women's human rights defender or group advocating for the protection of women's rights? If YES, please briefly describe.**

**19. Has the state in which you operate in taken any positive steps to address the specific barriers faced by women's human rights defenders or groups advocating for the protection of women's rights? If YES, please briefly describe.**

**20. What recommendations would you make to the following to address the challenges faced by women human rights defenders or groups advocating for the protection of women's rights:**

- a) Your Government
- b) Relevant regional body
- c) UN and the international community
- d) Civil society

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**Engage where you can, Confront where you must**

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